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C O N F I D E N T I A L

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re PETROBRAS SECURITIES LITIGATION

Case No.

14-cv-9662

This Document Applies to: All Cases

February 16, 2016

9:23 a.m.

Videotaped deposition of VENINA VELOSA
DA FONSECA, taken by Plaintiffs, pursuant to Notice,
held at the offices of Pomerantz LLP, 600 Third
Avenue, New York, New York, before Joseph R. Danyo,
a Shorthand Reporter and Notary Public within and
for the State of New York.

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Portuguese Interpreter

HENRY MARTE,

Videographer

~oOo~

1 da Fonseca - Confidential

2 THE VIDEOGRAPHER: We are now on the
3 record. My name is Henry Marte. I am a
4 videographer for Hudson Reporting & Video.
5 Today's date is February 16, 2016 and the
6 time is 9:23 a.m. This videotaped
7 deposition is being held at Pomerantz LLP
8 located at 600 Third Avenue, New York, New
9 York taken in the matter of Petrobras
10 Securities Litigation filed in the United
11 States District Court, Southern District of
12 New York. The deponent is Venina Velosa
13 da Fonseca. Counsel will be noted on the
14 stenographic record.

15 The court reporter is Joe Danyo and who
16 will now administer the oath to the witness
17 and to the interpreter.

18 Z I L D A B U Z A C K, was duly sworn to
19 interpret the questions from English to Portuguese
20 and the answers from Portuguese to English:

21 VENINA VELOSA DA FONSECA, having been first duly
22 sworn through the Interpreter by Joseph R. Danyo, a
23 Notary Public, was examined and testified as
24 follows:

25 EXAMINATION BY MS. GILMORE:

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2 Q. Good morning, Ms. Venina da Fonseca. My
3 name is Emma Gilmore. I represent plaintiffs in
4 this action.

5 THE INTERPRETER: The interpreter thinks
6 that Ms. da Fonseca signed to the
7 interpreter not to interpret, so the
8 interpreter would like to clarify that when
9 it is needed and when it is not.

10 Q. Okay. I have a few ground rules for
11 today. If at any time you don't understand my
12 question, can you please ask me to clarify and I
13 will try to the best of my ability to clarify it.
14 If at any time you need a break to go to the
15 restroom or otherwise, just let me know. The only
16 thing I ask is if there is a question pending, that
17 you answer the question before we break. Okay?

18 A. Okay.

19 Q. Do you understand some English?

20 A. Yes.

21 Q. Did you give testimony before today with
22 respect to Petrobras?

23 A. Yes. Approximately six.

24 Q. Six times?

25 A. Six times.

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2 Q. What was your first testimony?

3 A. First, it was in Curitiba.

4 THE INTERPRETER: Should the interpreter
5 interpret the questions even when the
6 witness tells her not to?

7 MS. GILMORE: Yes.

8 Q. When was the first testimony you gave in
9 connection with Petrobras?

10 A. The first testimony that I provided was
11 voluntary. It was in Curitiba, and it was in
12 December.

13 Q. Why did you provide that testimony?

14 A. Because I had a series of information
15 and documentation and I wanted to provide that to
16 the Federal District Attorney's Office in Brazil.

17 Q. Why did you want to do that?

18 THE INTERPRETER: Prosecution office in
19 Brazil. The interpreter wants to correct.

20 A. Because at that time the plea bargain
21 for Roberto Costa had already occurred, and they
22 had created an internal committee inside of
23 Petrobras, and I testified at that committee, and
24 my testimony was not written appropriately on the
25 final report. I had already given, provided that

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2 information to my superiors for seven or eight
3 years prior, and so what happened is that it was
4 somewhat part of the information was neglected, so
5 I decided that the best thing to do would be to
6 find other means.

7 And at that time I knew that the
8 prosecution office's services in Curitiba was at
9 the forefront of the investigation, and I thought
10 that somewhat the information would help clarify
11 the facts.

12 Q. We are going to get into the specifics
13 of that later today, but I wanted to know with
14 respect to this interview you gave in Curitiba,
15 when did that take place? Do you recall the date?

16 A. On December 18, 2014.

17 Q. Was the testimony that you gave under
18 oath?

19 A. Yes, it was.

20 Q. Was your testimony truthful and
21 accurate?

22 A. Completely so.

23 Q. Do you stand by your testimony you gave
24 on December 18, 2014? Do you stand by the
25 testimony today?

1 da Fonseca - Confidential

2 A. Not only on the 18th but on all
3 testimony that I provided.

4 Q. Did you give -- you mentioned you gave
5 copies of the documents in connection with that
6 testimony.

7 A. They kept my computer which contained
8 documents from back in 2002.

9 Q. Do you have copies of the documents that
10 you gave to the police, specific types of documents
11 you gave to the police?

12 A. Yes, I do.

13 Q. Did you bring them with you today?

14 A. Partly, but no.

15 Q. What types, can you describe the types
16 of documents?

17 A. e-mails exchanged with officers, inside
18 documents of Petrobras that are submitted to the
19 executive board for approval, and also a few
20 presentations that were submitted to the board of
21 directors and to the executive board.

22 Q. Anything else if you remember?

23 A. I have all the information that I
24 exchanged during that period of time.

25 Q. When was the second testimony that you

1 da Fonseca - Confidential

2 gave?

3 A. I was a witness, I was a prosecution
4 witness for the contractors. There were five
5 testimonies. That was in February of 2015.

6 Q. When you say for the contractors, who do
7 you mean by that?

8 A. The companies that were indicted and
9 that provided services to Petrobras.

10 Q. Do you recall the names of the companies
11 or how many there were?

12 A. All of them, right?

13 Q. Where was this testimony given?

14 A. Curitiba.

15 Q. Do you recall, if you recall, the case
16 number or name?

17 A. There were five case numbers and each
18 case involved more than one company. I do have the
19 numbers, but I don't recall them right now.

20 Q. Perhaps you can look at a break and if
21 you can give them to us afterwards. Did you
22 present documents in connection with the five
23 testimonies you gave in connection with the
24 contractors' case?

25 A. All the documents that I had were

1 da Fonseca - Confidential

2 already with prosecutors when I provided those
3 testimonies.

4 Q. Were those the same kind of documents
5 you presented in connection with your testimony on
6 December 18, 2014?

7 MR. COOPER: Objection to form.

8 A. Part of the documents, yes.

9 Q. And what about other documents? The
10 other part.

11 A. At that time those documents, there is
12 an investigation about construction at refineries
13 also increasing, the refineries, and the
14 interpreter asks the witness to repeat the second
15 part of what she said, and besides the problem,
16 there were other problems that were described that
17 were not in connection with that case.

18 Q. When you said there were problems in
19 connection with the refineries, do you recall which
20 specific refineries?

21 A. Northeast refinery, Gabriel Passos
22 refinery, Parana refinery, Getulio Vargas. There
23 are more refineries, but I don't know exactly which
24 ones.

25 Q. What were the other problems? You said

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2 there were -- there were the refineries, and then
3 other problems. Can you describe the types of the
4 other problems?

5 MR. COOPER: Objection to form.

6 A. There were problems in the communication
7 area. There were problems in the marketing and
8 business department, logistics.

9 Q. Anything else that you remember?

10 A. No.

11 Q. When you mean problems, do you mean
12 nonconformity or irregularities?

13 MR. COOPER: Objection to form.

14 A. Yes.

15 Q. Now let's go, so we went through two of
16 the testimonies you gave. You mentioned there were
17 six testimonies. What was the next testimony you
18 gave?

19 A. The first one was in December. I
20 provided five testimonies in connection with these
21 construction companies, and the last one was at the
22 CPI.

23 Q. When was that? Can you define CPI
24 first?

25 A. It is an inquiry parliamentary committee

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2 which is comprised by representatives.

3 Q. When was the deposition given?

4 A. I think it was in September.

5 Q. Of which year?

6 A. 2015.

7 Q. Why did you give testimony to the
8 parliamentary committee?

9 A. Because I was summoned to do so.

10 Q. Do you know why you were summoned to do
11 so?

12 A. I was summoned by the committee
13 chairperson. I believe it was due to the fact that
14 the information that I had provided had already
15 made public.

16 Q. Did you give documents in connection
17 with your testimony before the CPI?

18 A. They did not request them.

19 Q. Other than this testimony, did you give
20 any other testimonies or declarations in connection
21 with Petrobras?

22 A. Yes. Newspapers, with internal
23 committees.

24 Q. Internal committees at Petrobras?

25 A. Yes.

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2 Q. How many of those did you give to the
3 internal committees at Petrobras?

4 A. Three.

5 Q. Do you recall the dates?

6 A. Two were in October 2014 and one was in
7 November 2015.

8 Q. The two declarations --

9 A. Anything that is being said here needs
10 to be interpreted. So should I speak about my case
11 about the testimonies that I gave?

12 Q. We will go into the specifics later
13 today. I just want to get how many. The amounts
14 of depositions you gave.

15 A. There is another testimony that I
16 provided that was during a labor suit against
17 Petrobras.

18 Q. What kind of labor suit was that?

19 A. Harassment.

20 Q. Was this labor suit brought by you
21 against Petrobras?

22 A. Yes.

23 Q. Do you recall the date when you gave
24 that testimony?

25 A. May 2015.

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2 Q. How many testimonies did you give in
3 connection with your labor suit?

4 A. When?

5 Q. I would like to introduce some exhibits.
6 da Fonseca 1.

7 (da Fonseca Exhibit 1, Transcript of
8 September 22, 2015, was so marked for
9 identification, as of this date.)

10 Q. Ms. Venina, do you recognize this
11 document as a copy of the testimony you gave to the
12 CPI on September 22, 2015?

13 A. Yes.

14 Q. Okay. You can put that away. Do you
15 recognize this as being a copy of the testimony
16 that you gave on February 11, 2015? It doesn't
17 have page numbers, but your deposition, among
18 others, appears over here if you want to take a
19 look at it.

20 MR. BERMAN: Objection to the form.

21 (da Fonseca Exhibit 2, Transcript of
22 February 3, 2015, was so marked for
23 identification, as of this date.)

24 Q. Sorry. It looks like the date of the
25 deposition is February 3. The transcript is

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2 February 11.

3 MR. BERMAN: Objection to form.

4 MR. COOPER: Objection also to the
5 communications between Ms. da Fonseca and
6 her attorney.

7 A. Yes.

8 Q. Okay. You can put that away.

9 (da Fonseca Exhibit 3, Transcript of
10 February 5, 2015, was so marked for
11 identification, as of this date.)

12 Q. Ms. da Fonseca, do you recognize this as
13 being a copy of the deposition you gave on
14 February 18, 2015?

15 MR. COOPER: Objection. The date is
16 different. February 5.

17 MS. GILMORE: February 18, 2015. I see.
18 I'm sorry. The transcript is February 5,
19 2015.

20 A. Yes.

21 Q. We can put that away.

22 (da Fonseca Exhibit 4, Transcript of
23 February 6, 2015, was so marked for
24 identification, as of this date.)

25 Q. Ms. da Fonseca, do you recognize this as

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2 a transcript of the testimony you gave on
3 February 6, 2015?

4 MR. BERMAN: Objection to form.

5 A. Yes.

6 Q. You can put that away.

7 (da Fonseca Exhibit 5, Transcript of
8 February 10, 2015, was so marked for
9 identification, as of this date.)

10 Q. Ms. da Fonseca, do you recognize this as
11 a copy of the deposition you gave on February 10,
12 2015?

13 MR. BERMAN: Objection to form.

14 Q. This was Exhibit 5.

15 A. Yes.

16 Q. And the prior one was Exhibit 4.

17 (da Fonseca Exhibit 6, Transcript of
18 February 12, 2015, was so marked for
19 identification, as of this date.)

20 Q. Ms. da Fonseca, do you recognize
21 da Fonseca Exhibit 6 as a copy of the deposition
22 you gave on February 12, 2015? I believe your
23 deposition is at the end.

24 A. Yes.

25 Q. You can put that away. Ms. da Fonseca,

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2 are you currently employed at Petrobras?

3 A. Yes.

4 Q. What is your position?

5 A. Senior geologist.

6 Q. Who do you report to?

7 A. Corporate finance executive director
8 manager officer.

9 Q. Does he or she have a name?

10 A. Zacarias, I'm not sure of that person's
11 complete name.

12 Q. Did you at any point during your
13 employment at Petrobras hold any executive
14 positions?

15 MR. COOPER: Objection to form.

16 A. Yes, I did.

17 Q. Which ones?

18 A. A corporate supply executive manager.

19 Q. In which department?

20 A. Supply.

21 Q. When did you hold that position?

22 A. From second half of 2005 through October
23 2009.

24 Q. Did there come a time during your
25 employment at Petrobras when you detected or

1 da Fonseca - Confidential

2 learned of irregularities or nonconformities?

3 MR. COOPER: Objection to form.

4 A. Yes.

5 Q. Let's start with the first irregularity
6 that you encountered. Can you describe that for
7 me.

8 MR. COOPER: Objection to form.

9 A. It was within the communications
10 division. I was executive manager of corporate
11 supply. So connected to me that was a general
12 management division, and that general management
13 division was connected to the communications
14 division. The irregularity detected was connected
15 to payment of various different services that were
16 not provided. Payments that were made above the
17 ceiling allowed by the division manager, completely
18 irregular and noncompliance with the company's
19 procedures.

20 Q. Can you describe this irregular
21 services?

22 MR. COOPER: Objection to form.

23 MR. BERMAN: I join.

24 A. There were general communication
25 services, promotions, publishing of events, gifts,

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2 anything that affects the supply division's
3 communication.

4 Q. How did you learn of these
5 irregularities?

6 A. The general manager communicated to me
7 after I requested him to hold auditing in the
8 communication division.

9 Q. Who was the general manager you are
10 referring to?

11 A. Jose Roberto Kaschel. I'm not really
12 sure how to spell it, but I think it is
13 K-a-s-c-h-o. Kascho.

14 Q. Why did Jose Roberto Kaschel come to you
15 with these irregularities?

16 MR. COOPER: Objection to form.

17 A. Because these were very serious
18 irregularities that involved not only the supply
19 division but Petrobras as a whole.

20 Q. And why did you think they were serious?

21 A. Because there was a whole scheme created
22 for cost provision, to allocate costs so that they
23 would not be detected.

24 Q. And what was the time period for this?

25 A. It was September 2008 and the final

1 da Fonseca - Confidential
2 report was submitted to the board or the committee
3 who investigated the case in April of 2009.

4 Q. Who was involved in these
5 irregularities?

6 MR. COOPER: Objection to form.

7 A. The division manager.

8 Q. What was his name?

9 A. Geovane de Moraes, a few subordinates of
10 the group that is internal to Petrobras as well as
11 contractors and through Geovane's testimony persons
12 who provided services.

13 Q. Okay. Let's go over each of them. You
14 said a few subordinates were also involved. Can
15 you name them, please, and state their position.

16 A. I don't remember the names, but what
17 called attention is that a contracted subordinate
18 was issuing receipts on the corporate system, but
19 he had already been dismissed.

20 MS. LEVI: Objection. Former employee,
21 right?

22 THE INTERPRETER: No, it was a
23 contractor. So the interpreter stands by
24 her interpretation.

25 Q. Which contractors or persons who

1 da Fonseca - Confidential
2 provided services were involved in the
3 irregularities?

4 MR. COOPER: Objection to form. You
5 should ask her what she means by
6 contractors.

7 Q. Do you understand my question?

8 A. In this case when she asked me about the
9 persons who were involved, these were contractors
10 that were providing services directly to Petrobras.
11 They were not in the area of construction, they
12 were in the area of communications.

13 Q. And do you recall their names?

14 A. On the final report there is a list.
15 These people connected to marketing and there were
16 hundreds, and these were companies that were
17 providing services.

18 Q. What was the date of that final report?

19 A. April 20, '09.

20 Q. We will get back to that final report
21 soon, but can you tell me what you did once you
22 learned of these irregularities?

23 A. Initially I contacted the supply
24 manager, Paulo Roberto Costa, and I informed him of
25 what was going on, and secondly, I submitted a

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2 document, an e-mail actually, reporting what had
3 happened.

4 Q. To whom did you submit that e-mail?

5 A. Paulo Roberto Costa.

6 Q. Mr. Costa was at the time an executive
7 of Petrobras?

8 A. Supply manager for Petrobras.

9 Q. Was he on --

10 MR. MARTINI: Executive officer.

11 MS. LEVI: The head officer of the
12 supply division?

13 THE INTERPRETER: Supply head officer
14 for that division. Okay. The interpreter
15 will stand corrected.

16 Q. Was he an executive?

17 A. Yes.

18 Q. Was he on the executive board at
19 Petrobras?

20 A. Yes.

21 Q. Describe for me the contact, what you
22 said to Mr. Costa when you first approached him
23 initially?

24 A. I told him that there were
25 irregularities in the communications division and

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2 that I thought an auditing should be performed to
3 clarify what was going on and to punish the
4 individuals and companies that were involved.

5 Q. What did Mr. Costa say in response?

6 A. Very loudly and also angry, he asked me
7 if I wanted to destroy everybody. He pointed his
8 finger to the then president Lula, his picture was
9 on the wall, and then right after that he pointed
10 his fingers at the office of the CEO, Sergio
11 Gabrielli.

12 Q. Why do you think he pointed to Lula and
13 Gabrielli's portraits or offices and said do you
14 want to destroy everybody?

15 MR. COOPER: Objection to form.

16 MR. BERMAN: Objection to form.

17 A. Because supposedly they would be
18 involved in the case.

19 Q. Were they involved in the case?

20 MR. COOPER: Objection to form.

21 MR. BERMAN: Objection to form.

22 A. In case of president Lula, I cannot say
23 for sure, but the CEO Gabrielli summoned me up into
24 his office twice, once when I dismissed Geovane
25 from the division because he was being

1 da Fonseca - Confidential
2 investigated, because besides myself and Gabrielli,
3 that second time in the meeting also the Petrobras
4 communications executive manager was also present
5 because he wanted to see if the division of that
6 executive would absorb part of the costs.

7 Q. Okay. Let's go to the first, first you
8 were summoned by Gabrielli in his office. Can you
9 describe for me what happened at that time?

10 A. He called me into his office. It was
11 about 7 p.m. His cabinet chief was present at that
12 time.

13 Q. What was the name of his cabinet chief?

14 A. His nickname is bacalhau, which means
15 codfish, an assistant. I can look up the names
16 later because there are so many. At that time he
17 asked me if I could keep Geovane in the division,
18 in other words, not to dismiss him. I said no, and
19 he got startled or surprised. I said because he
20 couldn't be investigated if he was head of a
21 division because he could try to manipulate or hide
22 the realities.

23 Q. So Mr. Gabrielli did not want you to
24 investigate or get rid of Mr. Morais?

25 MR. COOPER: Objection to form.

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2 A. He did not say that clearly.

3 Q. Was it the implication?

4 MR. COOPER: Objection to form.

5 A. I cannot judge that.

6 Q. Who else was at that meeting?

7 A. May I ask my attorney the names if he
8 remembers?

9 Q. You can give me the names in the break.
10 Do you recall if Ms. Foster was present at that
11 meeting?

12 A. She was not.

13 Q. What else did Gabrielli tell you at that
14 meeting?

15 A. The main subject that he addressed was
16 connected to Geovane's dismissal.

17 Q. And he did not want you to dismiss Mr.
18 Geovane?

19 MR. COOPER: Objection to form. Asked
20 and answered.

21 THE INTERPRETER: I want to make very
22 clear that it doesn't mean dismissed. He
23 was just removed from his position, so the
24 interpreter will stand corrected. At that
25 time.

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2 Q. Did Gabrielli tell you to conduct an
3 investigation into Mr. Geovane de Morais's illegal
4 or illicit actions?

5 A. No. No, what happened is that when I
6 spoke with the former officer Paulo Roberto Costa,
7 since there were so many divisions involved, he
8 requested me to create a document on behalf of
9 Gabrielli.

10 THE INTERPRETER: The interpreter stands
11 corrected. To Gabrielli. Requested to do
12 an investigation in the realm of the
13 president since the interpreter has to
14 clarify. President or CEO, since there were
15 a lot of divisions involved because the word
16 "president" and "CEO" in Portuguese can be
17 the same word.

18 A. This was not usual. Usually the person
19 who made or made the document for the president or
20 CEO, there is a question by the interpreter, was
21 the divisions, were the divisions.

22 MS. LEVI: Division officer.

23 THE INTERPRETER: Thank you.

24 Q. Just to clarify, when you say the
25 president, do you mean Gabrielli?

1 da Fonseca - Confidential

2 A. Yes. CEO.

3 Q. What did you do in connection with
4 preparing this document that you were asked to do?

5 A. I prepared it and I submitted it.

6 Q. Did you conduct an investigation in
7 connection with the preparation of the report?

8 MR. COOPER: Objection to form.

9 A. They conducted a superficial
10 investigation and within the investigation group
11 there were individuals from the auditing division,
12 from the legal department, from the supply
13 division. I think that is it. Actually there must
14 be more, but I don't remember. So as a result of
15 the final report, they requested an investigation,
16 actually not an investigation, but research into
17 the hiring or contracting procedures of small
18 services that fell into my division which restricts
19 a bit the scope. I created the committee.

20 So I created this committee which
21 conducted investigations and heard witnesses
22 including Geovane, and at the end they issued a
23 report, and after receiving the report I dismissed
24 Geovane and I sent the report to the divisions in
25 charge of continuing the investigation of the

1 da Fonseca - Confidential
2 companies. The dismissal was based on two legal
3 opinions which said that even being off due to
4 health reasons you could be dismissed, but this
5 dismissal was not conducted.

6 Q. Okay. Let's go back first to the first
7 investigation. You referred to that investigation
8 as a superficial one. Two questions first. Who is
9 they who conducted the superficial investigation?

10 MR. COOPER: Objection to form.

11 A. It was conducted by one of Gabrielli's
12 assistants. He was the committee's coordinator.

13 Q. Do you recall his or her name?

14 A. No.

15 Q. Would you be able to look during the
16 break to see if you can remember the name?

17 A. Sure.

18 Q. Anybody else other than this Gabrielli
19 assistant involved in the first superficial
20 investigation?

21 MR. COOPER: Objection to form.

22 A. No. The person involved in the
23 investigation was Gabrielli's assistant. Francisco
24 Pais from the supply division, he was the
25 officer -- supply division officer assistant.

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2 Q. By that, do you mean Roberto Costa's
3 assistant?

4 A. Correct. There was a representative of
5 the legal department whose name I don't remember,
6 and also a representative of the auditing division
7 department.

8 Q. Do you recall the representative from
9 the audit department's name?

10 A. I already said that I did not. No, I
11 did not.

12 Q. Why do you refer to this investigation
13 as a superficial investigation?

14 A. Due to the report's quality and by the
15 group of witnesses who testified, the testimony
16 provided was not in accordance with the report.

17 Q. Can you explain that for me?

18 A. During that committee two individuals
19 were heard. One was the general manager, Jose
20 Roberto, and the other one was Augusto Nunez,
21 contracting manager. I don't remember exactly if
22 Geovane was heard or not, but I believe he was not.

23 Q. Why did you think hearing these two
24 witnesses was superficial?

25 A. I think it is better that you ask again

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2 because that question didn't make any sense to me.

3 Q. Okay. I will try. You said that this
4 investigation that was called for by Gabrielli was
5 superficial and you said that the report quality
6 and the group of witnesses was superficial. Why?

7 MR. COOPER: Objection to form.

8 A. Because it did not reflect exactly the
9 evidence that we had in our hands, so they were not
10 appropriately investigated by or during this
11 committee.

12 Q. What was the evidence you had in your
13 hands that was not reflected in this investigation
14 conducted by Gabrielli?

15 MR. COOPER: Objection to form.

16 A. Various different payments made without
17 any products linked to them.

18 Q. Anything else?

19 A. Basically everything that occurred, they
20 basically stayed with that case, but they did not
21 investigate the facts.

22 Q. You said subsequent to the superficial
23 investigation, you conducted your own
24 investigation. Correct?

25 MR. COOPER: Objection to form.

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2 A. Correct. I created a committee within
3 the scope of the executive board. Within the scope
4 of my executive management.

5 THE INTERPRETER: And the interpreter
6 would like to know that the titles of
7 positions are very different in Brazil and
8 in the U.S. That is why she is asking for a
9 little bit of assistance from the attorneys
10 here.

11 Q. Who are the members of the committee who
12 created it?

13 A. They were managers from my executive
14 division. The coordinator was the HR manager.
15 Budgeting manager. Contracting manager. Risk area
16 manager. My assistant. I think that is it.

17 Q. Let's try and see if you can remember
18 the names. The manager of your executive division,
19 do you have the name?

20 A. HR manager Lucia.

21 Q. Is Lucia still employed at Petrobras?

22 A. She is retired.

23 Q. Any other names you can remember?

24 A. Well, there is Lucia, and there was, I
25 would have to see the flow chart.

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2 Q. Maybe you can look at the break and tell
3 us.

4 A. It has been six years.

5 Q. What was the time period of this again?

6 A. 2008-2009.

7 Q. In connection with the investigation
8 that you conducted, you mentioned that you
9 interviewed Mr. Morais. Is that correct?

10 MR. COOPER: Objection to form.

11 A. No. The committee interviewed Geovane.
12 I was not part of the committee. It is important
13 to clarify here that the committee was completely
14 independent and I did not take part in that
15 procedure.

16 Q. Do you recall when Mr. Geovane was
17 interviewed by the independent committee?

18 MR. BERMAN: Objection to form.

19 MR. COOPER: I join the objection.

20 A. It was the beginning of 2009 is the last
21 testimony.

22 Q. How many times was Mr. Geovane
23 interviewed in connection with the independent
24 committee investigation?

25 MR. BERMAN: Objection to form.

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2 MR. COOPER: I join.

3 A. There are many different attempts, but
4 only one was successful.

5 Q. And what did Mr. Geovane say in
6 connection with that interview?

7 MR. BERMAN: Objection. Foundation.

8 MR. COOPER: Same objection.

9 A. He said that the officers and
10 individuals from the officers cabinet that would
11 request services, he said that he made payments
12 that were above the threshold of his own authority.
13 He said that he didn't know, but that he had signed
14 a document that specified what the ceiling or the
15 threshold of his authority was. This testimony was
16 recorded and somehow it leaked into the press. And
17 he talks about the involvement of politicians.
18 That was not in the report, but that was in the
19 recording.

20 Q. Did you listen to that recording?

21 MR. COOPER: Objection to form.

22 A. Some time ago.

23 Q. Can you explain to me what was the
24 involvement of the politicians that Mr. Morais
25 talked about in the recorded interview?

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2 MR. BERMAN: Objection to form.

3 MR. COOPER: I join the objection.

4 A. He said that these requests of services
5 that were not provided were coming -- some of which
6 were not provided were coming from politicians that
7 would then pass them on to officers divisions,
8 cabinets.

9 Can I have a break, please?

10 Q. Sure.

11 THE VIDEOGRAPHER: The time is 10:38
12 a.m. This completes tape number 1. We are
13 going off the record.

14 (Recess taken)

15 THE VIDEOGRAPHER: This marks the
16 beginning of videotape number 2. The time
17 is 10:54 a.m. We are back on the record.

18 MR. KEHOE: There are some counsel
19 joined on our conference call. Could they
20 please identify who they are.

21 MR. MIARMI: Michael Miarmi of Lief
22 Cabraser Heimann & Bernstein, counsel for
23 plaintiffs in the Janus action and the Dodge
24 and Cox action.

25 MR. KEHOE: Anybody else on the call?

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2 MR. HUMPHRIES: Scott Humphries, Gibbs &
3 Bruns, counsel for plaintiffs in the WGI
4 Emerging Markets Fund action.

5 MR. KEHOE: Anyone else?

6 MR. SALTZMAN: Joshua Saltzman, Kaplan
7 Fox, for Ohio Public Employees Retirement
8 System.

9 MR. KEHOE: Anyone else? Okay. If you
10 can put your lines on mute, that would be
11 helpful, and we are going to go ahead and
12 proceed.

13 MR. COOPER: We are going to have a
14 stipulation that any objection by any
15 defendant is an objection as to all
16 defendants joining that objection.

17 MS. GILMORE: That's fine. We have
18 already agreed to that.

19 MR. COOPER: I just wanted it on the
20 record. Great.

21 BY MS. GILMORE:

22 Q. Ms. da Fonseca, you testified that as
23 part of the independent commission's interview into
24 Mr. Geovane Morais' conduct in the area of
25 communications, Mr. Morais talked about the

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2 involvement of politicians. Do you have the name
3 of the politicians that Mr. Morais said were
4 involved?

5 MR. BERMAN: Objection.

6 A. There were many. Initially he mentioned
7 in terms of numbers more than 20 politicians
8 involved. He mentioned two names. I remember two
9 names of the ones mentioned.

10 THE INTERPRETER: Interpreter corrects
11 herself on the record.

12 A. One was the then governor of the state
13 of Bahia, Mr. Jacques Wagner, and he also mentioned
14 the name of Lula, president of Brazil at the time,
15 but there are other names in that recording that
16 can be heard.

17 Q. Let's go to the first name you remember,
18 which is the governor of Bahia, Jacques Wagner.
19 What was his involvement as Mr. Morais said in the
20 illicit conduct?

21 MR. BERMAN: Objection.

22 MR. COOPER: Objection to form.

23 A. He spoke about all of them in a general
24 manner, but just as a reminder, Geovane himself is
25 from the state of Bahia, and Jacques Wagner was

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2 then governor of Bahia, and the coordinator of the
3 first committee was Gabrielli's assistant, who as a
4 matter of fact is also from Bahia, Rosemberg
5 Evangelista Pinto, was also from Bahia, and as a
6 matter of fact, Rosemberg after one or two years, I
7 don't remember exactly how long after he was
8 elected representative of the state of Bahia.

9 MR. COOPER: Objection. The witness
10 seems to be looking at a document that
11 others do not have copies of. What is she
12 looking at?

13 MS. GILMORE: We will be introducing
14 that later today.

15 MR. COOPER: Can you identify what she
16 is looking at?

17 THE WITNESS: The first committee report
18 internal investigation.

19 MR. BERMAN: Do you have copies of what
20 the witness is looking at?

21 MS. GILMORE: We will have copies.

22 MR. COOPER: But she is looking at it.

23 Q. Yu can put it to the side for now.

24 MR. BERMAN: I object to the last line
25 of testimony. It is not clear whether the

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2 witness was testifying from her recollection
3 or reading documents.

4 MS. GILMORE: How about we just clear it
5 up now.

6 Q. Ms. Venina, were you testifying based on
7 this document and did you give answers to the last
8 question based on this document or based on what
9 you already know?

10 MR. COOPER: Objection.

11 A. This last question was about the
12 politicians involved, and as I mentioned before,
13 that is not in the report. That is on Geovane's
14 witness recordings.

15 Q. Can you explain for me why the testimony
16 of Mr. Geovane was not reflected in the internal
17 written reports prepared by Petrobras?

18 MR. BERMAN: Objection.

19 A. As I mentioned before, the committee is
20 completely independent. They were all very nervous
21 and they did not want to be part of the committee
22 because they were concerned that they would be
23 later punished. I believe that they thought that
24 this subject was not part of the auditing's scope,
25 but in my opinion the main reason is fear of

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2 retaliation.

3 Q. Which is what happened to you, correct?

4 MR. COOPER: Objection to form.

5 A. Very correct.

6 Q. Can you tell me if you recall the names
7 of the people, courageous people like you, who
8 wanted to uncover the irregularities of Petrobras
9 so that they can be fixed?

10 MR. BERMAN: Objection to form.

11 A. Lucia from HR.

12 Q. Is Lucia still employed at Petrobras?

13 A. She is retired. Jose Augusto Nunez, who
14 is also retired. And Mais, who is my assistant who
15 is also still working at Petrobras. And the risk
16 manager at that time whose name I don't remember
17 and the performance manager. Both of them are
18 still working at Petrobras.

19 Q. Do you remember the name of the
20 performance manager?

21 A. No. During my deposition, if I do
22 remember, I will trace it back.

23 Q. Anybody else that you remember that
24 wanted to expose the illicit conduct of Petrobras?

25 MR. COOPER: Objection to form.

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2 MR. BERMAN: Objection to form.

3 A. Yes, but not related to the issue of
4 communications.

5 Q. Who else who was not related to the
6 issue of communications?

7 A. Fernando de Castro Sa. He was the legal
8 department's manager who supported, who gave
9 support to my division, which was the supply,
10 corporate supply management.

11 Q. What was the illicit conduct that Mr.
12 De Castro Sa had uncovered?

13 MR. COOPER: Objection.

14 MR. BERMAN: Objection.

15 THE INTERPRETER: If the witness
16 understands a question, can she go ahead and
17 answer or does she always --

18 MS. GILMORE: She can answer if she
19 understands.

20 A. Fernando de Castro Sa was the first
21 person at Petrobras to denounce the contractors,
22 construction contractors cartel.

23 Q. Do you remember what year that was?

24 A. 2009.

25 Q. We will go into more detail about that

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2 later.

3 Who else other than Mr. De Castro Sa was
4 trying to expose illicit conduct at Petrobras?

5 MR. BERMAN: Objection to form.

6 A. There is an attorney who was part of the
7 legal department who refused to give his legal
8 opinion related to Pasadena. He has also gone
9 through harassment and he was put off his position
10 for a while under health, he was off due to health
11 reasons, and when he came back, he could not take
12 the pressure, so he asked to be dismissed.

13 Q. Do you remember the name of this
14 attorney?

15 A. No, but this has been publicized. It is
16 also in the newspapers. There is another Petrobras
17 employee who used to work at the engineering
18 division. We met during a program that we went
19 through together, and that case had to do with
20 individuals who were persecuted. He was retired by
21 Petrobras and then he was rehired back again. Now
22 he no longer works for the company. I do not
23 remember his name.

24 Q. And you said you met at a program for
25 individuals who were persecuted. Persecuted by

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2 Petrobras?

3 A. Yes. It was actually a TV program that
4 addressed the subject.

5 Q. If you remember more names of people
6 that were harassed and persecuted by Petrobras, can
7 you let me know. Is that a yes?

8 A. I also have e-mails of more individuals
9 that after this, they also came and alleged that
10 they were also persecuted.

11 MS. GILMORE: Counsel, I request
12 immediate production of those e-mails.

13 Q. Let me know if there is anything else
14 that you can remember with respect to the people
15 that were harassed by Petrobras. I believe in one
16 of the testimonies you gave, you mentioned that the
17 Gabrielli chief of staff Mr. Armando Tripodi gave
18 orders to restrict the scope of the investigation
19 into the wrongdoings of the communications
20 department. Is that correct?

21 MR. COOPER: Objection to form.
22 Misstates testimony.

23 MR. BERMAN: Objection to form.

24 A. Yes.

25 Q. Can you explain or describe that

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2 testimony, please.

3 A. Armando Tripodi, who as I mentioned
4 whose nickname was bacalhau, came to my office. He
5 used to do this on a regular basis and always very
6 concerned about the investigation that was being
7 conducted into my division. More than once I told
8 him that the case was in the hands of the committee
9 and that the committee had not -- was not completed
10 totally, so they had left this trace behind them
11 and the witness said of the president again,
12 president, CEO, it is a little confusing to the
13 interpreter, female president or female CEO.

14 Q. Can you explain that.

15 A. I didn't say that. I didn't say that.

16 THE INTERPRETER: The interpreter stands
17 corrected.

18 A. So he would come to my office concerned
19 about the results. I would always say that it was
20 an impartial committee and that the committee would
21 investigate and that whatever would be done will be
22 as a result of what had been investigated. That it
23 was no use for him to keep coming into my office.

24 Q. I recall that on several occasions you
25 testified that Mr. Tripodi harassed you and tried

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2 to scare you and said be careful who you are
3 messing with. Is that correct?

4 MR. COOPER: Objection to form.

5 A. Yes.

6 MR. COOPER: Today?

7 MS. GILMORE: No.

8 Q. In the past.

9 A. In the past.

10 Q. Can you explain for me some of these
11 interactions where he scared you or threatened you?

12 A. Within the company everybody was
13 concerned or preoccupied of going against the
14 hierarchy, but with time and with the conduction of
15 investigations until they came towards the end,
16 this would be even clearer, and they would always
17 say that we are touching on too big a fish.

18 Q. Who is "they" in they would always say
19 you are touching too big a fish?

20 A. Armando Tripodi, Francisco Pais, who
21 were the officers' assistant, individuals who would
22 represent the officers of the company.

23 Q. Do you remember the names of these
24 individuals other than the ones you just named?

25 A. Not in this specific case.

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2 Q. You said the individuals were acting or
3 threatening people on behalf of the officers of the
4 company. Can you name the officers of the company?

5 MR. BERMAN: Objection to form.

6 A. Paulo Roberto Costa, Barbassa from the
7 finance department, Estrella from the exploring and
8 production division, Graca Foster, who at the time
9 was the gas and energy officer, Renato Duque, who
10 at the time was services officer. I have them all,
11 right?

12 Q. What about Gabrielli?

13 A. Sergio Gabrielli.

14 Q. How do you know that the people who were
15 harassing or threatening you were acting on behalf
16 of these officers you just named?

17 MR. BERMAN: Objection.

18 MR. COOPER: Objection.

19 A. My first meeting, for example, with
20 Gabrielli, Armando Tripodi was also in attendance,
21 and every time would address the subject he would
22 represent Gabrielli. The same thing would happen
23 with Francisco Pais, who was Paulo Roberto's, the
24 officers' assistant.

25 Q. Anyone you specifically remember other

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2 than the ones you just named?

3 A. I had various different meetings with
4 Gerson, who was the manager for the auditing
5 division that whom I sent the final report to. I
6 do not know, however, what he did with that report.
7 I also had meeting with Nilton Maia, who was the
8 executive officer for the executive division at
9 those days. He was the one who issued the opinions
10 so that Geovane could be dismissed. And I also
11 sent him the final report because there were
12 measures that would need to be taken by his
13 division. Only those.

14 MS. LEVI: Maia is the head of legal,
15 not executive manager.

16 THE WITNESS: Is he? Thank you very
17 much.

18 Q. Can you give me some examples of how you
19 were harassed by Mr. Gerson, the manager of the
20 auditing division?

21 MR. COOPER: Objection.

22 A. All of them always used the same speech.
23 The persons involved are individuals who
24 hierarchy-wise were much above us, and we have to
25 be careful treating the subject, and they would

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2 always act in a way to make investigations more
3 difficult.

4 According to Geovane, the three times
5 that he refused to provide testimony were due to
6 individuals at cabinet who would pressure him, so
7 he would not speak.

8 Q. Can you give me the names of those
9 individuals in the cabinet who pressured Mr. Morais
10 not to speak?

11 MR. COOPER: Objection. Lack of
12 foundation.

13 MR. BERMAN: Objection to form.

14 A. According to what he himself mentioned
15 during the committee was Armando Tripodi,
16 Rosemberg. That is all I remember.

17 Q. Armando Tripodi and Rosemberg were
18 connected and appointed by Gabrielli to conduct
19 that superficial investigation that you mentioned
20 earlier?

21 MR. COOPER: Objection to form.

22 A. No, Rosemberg coordinated the committee
23 and Armando Tripodi was the one who addressed the
24 issue outside the committee.

25 Q. And who appointed Mr. Rosemberg to

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2 coordinate the committee?

3 A. Gabrielli did.

4 Q. Do you know why he was appointed by
5 Gabrielli?

6 MR. COOPER: Objection.

7 A. Usually because Gabrielli trusted him.

8 Q. To hide the information?

9 MR. COOPER: Objection to form.

10 MR. BERMAN: Objection to form.

11 A. To do whatever he thought was necessary.

12 Q. Which was to conduct a superficial
13 investigation?

14 MR. COOPER: Objection to form.

15 A. That is a good conclusion.

16 Q. Let's go back now to the interview of
17 Mr. Morais that was conducted as far as the
18 internal independent investigation that you set up.
19 You mentioned in that interview Mr. Morais had
20 brought up the name of about 20 politicians. Do
21 you recall their specific connections to the
22 wrongdoings of Petrobras?

23 MR. BERMAN: Objection. Foundation.

24 A. What called attention was that a vast
25 majority of them were from the Labor Party or

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2 Workers Party and from this date of Bahia.

3 Q. What was their connection with the
4 illicit acts of Petrobras?

5 MR. COOPER: Objection.

6 MR. BERMAN: Objection.

7 A. The division had a budget of
8 approximately 30 million Brazilian reais. They
9 spent within the time period of nine months
10 approximately 140 million Brazilian reais.
11 Approximately 40 percent of these expenditures had
12 no products connected to them. So we can infer
13 that these 40 percent ended up somewhere.

14 Q. Do you know where?

15 MR. COOPER: Objection.

16 A. Not exactly.

17 Q. Do you recall in part of Mr. Morais's
18 interview he testified on the recording that
19 Petrobras' budgets were sponsoring the events which
20 was considered illegal skyrocketed to \$1.2 billion
21 since 2003?

22 MR. BERMAN: Objection to form.

23 MR. COOPER: Objection.

24 A. Correct. This budget is Petrobras' as a
25 whole.

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2 Q. And you recall that Mr. Morais testified
3 to that effect in his deposition that was
4 videotaped?

5 MR. COOPER: Objection.

6 MR. BERMAN: Objection.

7 A. This information is available to the
8 public.

9 Q. And you said that you have listened to
10 this video in the past, correct?

11 A. Yes.

12 Q. Now let's go back to the investigation
13 that you have conducted, they have conducted on
14 your behalf. Tell me what happened and how was it
15 finalized, whether or not it was put in that
16 report.

17 A. The investigation started in October,
18 no, actually the investigation initially took two
19 months at the scope of the cabinet. It started
20 around, I'm not sure exactly, but November/December
21 2008, the investigation into my division, and it
22 was concluded in April 2009. All the measures that
23 were up to me to take were taken, but none of them
24 had any results such as dismissing Geovane, and I
25 don't know of companies that were sued in that

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2 case. They might have been, but I'm not aware of
3 them.

4 Q. Why weren't the measures that you had
5 conducted and had taken in connection with this
6 independent investigation, why were they ignored or
7 not followed through?

8 MR. COOPER: Objection to form.

9 A. Geovane's dismissal was an important
10 issue to me. I found out that Geovane had not been
11 dismissed two months later when I went to research
12 my employees and saw that Geovane was still
13 working.

14 Q. Were you surprised?

15 A. Completely so.

16 Q. Why wasn't he dismissed as he was
17 certainly found to have been involved in the
18 illicit conduct?

19 MR. COOPER: Objection.

20 A. Even though I was the person in charge
21 of that employee, no explanation whatsoever was
22 provided to me. What I was told at that time that
23 the CEO had asked the legal department for a third
24 legal opinion to keep Geovane in the company, but
25 I'm not aware or I don't know about this legal

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2 opinion.

3 Q. By the CEO, you mean Gabrielli at the
4 time?

5 A. Yes.

6 Q. Do you know who in the legal department
7 issued the opinion to keep Mr. Morais employed at
8 Petrobras?

9 MR. COOPER: Objection.

10 A. At that time they were saying that it
11 was the same person Nilton Maia, who had written
12 the two other opinions that were favorable.

13 Q. Nilton Maia you said was head of the
14 legal department?

15 A. Yes.

16 Q. What were the two opinions that Nilton
17 Maia has written that were favorable?

18 A. First, that he could be dismissed due to
19 the facts investigated. Since he was off due to
20 health reasons, I asked for a professional opinion
21 to find out if he could be dismissed even though he
22 was off due to health reasons, and the two opinions
23 were yes.

24 Q. Still he was not dismissed, correct?

25 A. No. He was off during -- he was due to

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2 health reasons, and there is a certain period of
3 time that he can be off due to that reason, so when
4 that time period had been completed, he was
5 dismissed in 2013.

6 Q. Or supposedly dismissed, correct?

7 MR. BERMAN: Objection.

8 MR. COOPER: Objection.

9 A. He was.

10 Q. I just want to clarify. You had
11 mentioned that you have not seen the third legal
12 opinion which went the other way by Nilton Maia
13 where he decided to keep -- on orders by Gabrielli
14 to keep Mr. Morais employed?

15 A. Correct. I did not see the third
16 opinion.

17 Q. Did you request to see it?

18 A. Before that, they had taken me from the
19 executive officer's position.

20 Q. What do you mean by that?

21 A. There were two problems that are not
22 connected to this but that had happened at the same
23 time period. Technically they are not connected to
24 this. One of them was the communications issue and
25 the other one was the problem with the builders at

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2 the northeast refinery. Since I refused to change
3 a technical opinion that noted that the northeast
4 refinery was not feasible, so the position of
5 executive officer was taken away from me and I was
6 sent to Singapore, and then for about two and a
7 half years I did not have any access to any
8 documentation or any other procedures for the
9 company.

10 Q. Who ordered you to be punished and sent
11 to Singapore?

12 MR. COOPER: Objection to form.

13 A. The executive board.

14 Q. Who are the members of the executive
15 board that ordered you to be punished and sent to
16 Singapore?

17 MR. COOPER: Objection.

18 A. Officers and the CEO.

19 Q. Can you name them, please?

20 A. Estrella, Paulo Roberto, Barbassa,
21 Graca, Renato duke, and Sergio Gabrielli.

22 Q. Graca, you mean Graca Foster?

23 A. Yes.

24 Q. Estrella, what was his position?

25 A. At that time she was gas and energy head

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2 of department.

3 Q. What about Estrella?

4 A. Production and exploration head of
5 department. Barbassa was CFO, and Paulo Roberto
6 was head of the supply division.

7 Q. We will come back to this topic, but I
8 want to go back to the communications
9 irregularities that you had identified. At one
10 point I understand that you had testified that you
11 approached Ms. Foster about the irregularities. Is
12 that correct?

13 MR. BERMAN: Objection to form.

14 A. Correct.

15 Q. Can you explain to me what happened?

16 MR. BERMAN: Objection to form.

17 A. One day before sending the final
18 document, which was a document that has a whole
19 history of what had happened with the
20 communications division, I contacted Graca, because
21 there was a procedure which was a standard
22 procedure within the company which was to be
23 submitted to the auditing division and to the legal
24 department, and the supply division was requesting
25 me to send this to the communications division, and

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2 I was opposed to it because this was not a
3 procedure that was in effect, so I contacted Graca
4 to ask for her opinion of the draft that I wanted
5 to submit to the legal department and to the
6 auditing division.

7 Q. Why did you go to Graca for help or
8 advice?

9 A. Because I was not getting any support
10 within my division, and I thought that through her,
11 I would be able to really get the support that I
12 needed to verify and to investigate what was going
13 on.

14 Q. Can you pinpoint this efforts to contact
15 Graca, the timeline, when did you start trying to
16 approach Graca with evidence of irregularities in
17 the communications department?

18 A. I was at Graca's office one day before
19 in the beginning of April. On 9th of April was
20 when the document was submitted. I don't remember
21 the exact date.

22 Q. This was 2009, correct?

23 A. Yes. April 3rd when the document was
24 submitted --

25 MR. BERMAN: I thought I saw the witness

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2 look at the document just before she gave
3 that answer, so I just want the record clear
4 that that answer was not based on memory.
5 It was based on reading a document.

6 Q. That is based on your own recollection,
7 correct?

8 MR. BERMAN: The April 3rd comment, I
9 just saw her look at the document in making
10 that. I don't think the witness should have
11 it down here in front of her when nobody
12 else is looking at it.

13 MS. GILMORE: She doesn't.

14 MR. BERMAN: She just looked at it then.

15 Q. The question I gave you was when was the
16 first time that you approached Ms. Graca Foster to
17 inform her of evidence of irregularities in the
18 communication department, and independent of a
19 document that you apparently were looking at, you
20 testified it was sometime in April 2009, correct?

21 A. Correct.

22 MR. BERMAN: The witness just looked at
23 a document. Nobody else in this room has a
24 document. It is not clear in any of this
25 testimony whether she is doing it based on a

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2 document that nobody has seen. It is very
3 unfair.

4 MR. COOPER: Can we mark this document
5 as an exhibit so it is in the record?

6 MS. GILMORE: You were going to get it
7 anyway.

8 MR. BERMAN: No, but she just looked at
9 the document. She moved the document. It
10 is very confusing.

11 MS. GILMORE: Counsel, she already
12 testified independent of the document of the
13 date. Okay?

14 MR. BERMAN: How do you know?

15 MS. GILMORE: Because I asked her and
16 that is what she testified.

17 MR. BERMAN: But she just looked at a
18 document.

19 MS. GILMORE: Let's stop interfering
20 with the deposition. Let's take a quick
21 break.

22 THE VIDEOGRAPHER: The time is 11:39
23 a.m. We are going off the record.

24 (Recess taken)

25 THE VIDEOGRAPHER: The time is 12:02

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2 p.m. We are back on the record.

3 MS. GILMORE: Before we broke, counsel
4 for defendants asked to see a document that
5 the witness glanced at, so I am going to
6 introduce this as an exhibit. da Fonseca
7 Exhibit 7.

8 (da Fonseca Exhibit 7, Document, was so
9 marked for identification, as of this date.)

10 MS. GILMORE: At the moment I have no
11 questions of the document. I just want to
12 make clear with the witness. She has
13 already testified, but I want to make clear
14 again that none of the witness's answers to
15 any of the questions were based on her
16 reading that document.

17 BY MS. GILMORE:

18 Q. Correct?

19 A. Correct.

20 MR. BERMAN: Objection.

21 MR. COOPER: I will let our objections
22 stand. I think the record, we made clear
23 what happened during the prior session, so
24 my objection to that question stands as
25 well.

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2 MS. GILMORE: Sure. The record makes
3 that very clear.

4 Q. Ms. da Fonseca, before we broke you were
5 telling me that you had tried to approach Ms. Graca
6 Foster with evidence of illicit conduct in the
7 communications division. Can you describe your
8 first interaction with Ms. Graca about this?

9 A. I sent an e-mail to Graca saying that I
10 had some materials I wanted to show her. On that
11 e-mail message I wasn't specific, and I did not
12 send such material by e-mail. So the day after I
13 went to Graca's office with that material, which
14 was actually Exhibit 104, which was a document that
15 had been submitted to the auditing department, I
16 wanted her support actually on that she could
17 clarify something because Paulo Roberto Costa had,
18 from the cabinet had asked me to send it to the
19 communications division, but that was not the
20 procedure adopted by the company, which was to send
21 first to the legal department and to the auditing
22 department since they were not part of the
23 committee.

24 I contacted Graca because I was not
25 having the support of the officer Paulo Roberto

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2 Costa. She didn't give any replies, so I decided
3 the day after to submit the document to the
4 auditing department and to the division of the --
5 the executive legal division.

6 Q. Let's go first to the e-mail you first
7 sent to Ms. Graca Foster. Do you recall what the
8 e-mail said?

9 A. I wanted to show her a document. It was
10 a very succinct sentence, and on the e-mail I asked
11 if she wanted me to send the document. I ended up
12 then setting up an appointment with her secretary
13 and to bring the documents in person.

14 Q. To Ms. Foster?

15 A. Correct.

16 Q. Did you bring the documents to Ms.
17 Foster?

18 A. Correct.

19 Q. Did you give her -- did you personally
20 give Ms. Foster the documents?

21 A. Correct.

22 Q. When was that, if you recall
23 specifically, the date?

24 A. 1st or 2nd of April.

25 Q. And did you say anything to Ms. Foster

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2 at the time you gave her the documents?

3 A. I explained to her everything that had
4 happened in a summed up way and she answered that
5 she had knowledge of it because the officer Paulo
6 Roberto Costa had mentioned it during the executive
7 board meeting.

8 Q. She had knowledge of the irregularities
9 in the communications division of Petrobras?

10 A. Yes.

11 Q. Were you at the meeting where the
12 executive -- where Mr. Costa presented the evidence
13 of irregularities to the executive board?

14 A. I was not present at the meeting.

15 Q. Do you recall when that meeting
16 occurred?

17 MR. COOPER: Objection.

18 A. No.

19 Q. Do you recall who was present at that
20 meeting, if you know?

21 MR. COOPER: Objection.

22 MR. BERMAN: Objection.

23 A. No.

24 Q. What else did Ms. Foster tell you other
25 than that she already had knowledge of the illicit

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2 irregularities in the communications division?

3 A. She told me to look for another place
4 outside of where I was, which is among the
5 officers, and to look for another place to work.
6 She suggested me to go work for TBG, which is a
7 transporter of gas between Brazil and Bolivia,
8 which was connected to the area where she was
9 working at that time.

10 Q. Did Ms. Graca tell you that the right
11 thing to do according to company's policies is to
12 send the documentation to the legal and audit
13 department?

14 MR. COOPER: Objection.

15 A. No.

16 Q. Why do you think she didn't want you to
17 send the documents to the legal and audit
18 department?

19 MR. COOPER: Objection to form.

20 A. I believe that she was going to speak
21 with the officer Paulo Roberto before.

22 Q. Why did she want to speak with Mr.
23 Paulo Roberto before, if you know?

24 MR. BERMAN: Objection.

25 MR. COOPER: Objection.

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2 A. I don't know. All I know is that she
3 did that. I saw on an interview that she gave. I
4 saw it afterwards that that is what she did.

5 Q. Why do you think she suggested to you to
6 look for another job in another department?

7 MR. COOPER: Objection.

8 Q. If you know.

9 A. Because I was bothering them.

10 Q. You were bothering them with the
11 evidence you uncovered of wrongdoing?

12 THE INTERPRETER: Interpreter will
13 change the word.

14 A. Because I was disturbing them.

15 Q. In what way were you disturbing them?

16 MR. COOPER: Objection.

17 A. Because I was recording and also sending
18 through e-mail, et cetera, irregularities about the
19 company and documents and this was disturbing the
20 executive board.

21 Q. This was disturbing president Gabrielli?

22 MR. COOPER: Objection.

23 MR. BERMAN: Objection.

24 A. The CEO and the executive board.

25 Q. What did you do next?

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2 A. I sent the documentation, and on the
3 same day before sending the documentation, I
4 requested the dismissal of Geovane. I did in that
5 case what I had to do, and after that a few
6 suppliers continued to contact Petrobras because we
7 suspended all payments in order to review what was
8 supposed to be actually paid. And this was a long
9 process because the suppliers were submitting
10 various different cases to us. The officer
11 contacted the company that was signing the highest
12 quantity of small contracts by e-mail.

13 Q. Who was the officer that you just
14 mentioned?

15 A. Paulo Roberto Costa.

16 Q. Do you know who the contractors were?

17 A. It is contained in the report. It is
18 the exact company whose name I don't remember.

19 Q. In the report that you prepared to send
20 to the audit and legal department?

21 MR. COOPER: Objection to form.

22 A. The report that was prepared by the
23 committee. These e-mails were e-mails charging for
24 services that were provided, and they made clear
25 that it was usual to provide services without

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2 having any written agreements or to split up
3 services in order to avoid all the approval red
4 tapes.

5 Q. Can you explain what that means?

6 A. One example is let's say a contract with
7 100, so it was divided with then installments
8 within smaller contracts of 10,000, because 10,000
9 had to be approved by a higher rank --

10 THE INTERPRETER: Correcting.

11 A. -- 100,000 had to be approved by a
12 higher ranking department. So the officer sent me
13 this e-mail so that I would make that payment.

14 Q. Do you recall if the suppliers -- you
15 don't recall the name of the suppliers right now,
16 but do you recall if those suppliers are members of
17 a cartel?

18 MR. BERMAN: Objection.

19 A. No. A cartel is a group of companies
20 that agree on a certain fixed price for a type of
21 service. That cartel that I mentioned initially
22 was a cartel of the building contractors. Now we
23 are talking about the communications department.

24 Q. The illicit conduct in the
25 communications department that you have been

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2 describing, is that connected to the Abreu Lima
3 refinery or not?

4 MR. BERMAN: Objection.

5 MR. COOPER: Objection.

6 A. I will give you an example. Let's say,
7 I will give you an example of a few events that
8 were celebrated together by the CEO of Petrobras
9 and the CEO of Republica.

10 MS. LEVI: No. The president.

11 A. President of Republica. The President
12 of Brazil. And in that case the communications
13 department was the one who organized the whole
14 event, and this event such as others was also
15 overbilled. This is the connection.

16 Q. Can you give me examples of some of
17 these events.

18 A. This event that I just mentioned, it was
19 to open earth works, so what happened is that the
20 cost for the company was 1 million Brazilian reais,
21 which is not supposed to be. It was not supposed
22 to be because all you have is a podium for the
23 infrastructure. That was too much.

24 Q. Do you recall who at Petrobras ordered
25 that Petrobras sponsor this inappropriate event?

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2 MR. COOPER: Objection.

3 MR. BERMAN: Objection.

4 A. In that case it was the supply division
5 head Paulo Roberto Costa and the CEO Gabrielli, but
6 there are various other different events such as
7 the celebration of St. John, which should cost less
8 than 10,000, and it would cost 100 in the state of
9 Bahia.

10 Q. Any other examples of events?

11 A. The spreadsheet attached to the report
12 mentions hundreds of examples. These are events
13 that have to do with celebrations, and then after
14 that they have to be analyzed, but then you don't
15 find any evidence anymore.

16 Q. What do you mean by that?

17 A. It is not what I mean, it is what is
18 written on the final report that 40 percent of what
19 was paid have no connection to services.

20 Q. Why did Petrobras agree to sponsor these
21 inappropriate events?

22 MR. COOPER: Objection.

23 MR. BERMAN: Objection to form.

24 A. I would say that the relationship
25 between the executive board and the majority

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2 shareholder which causes all these problems, that
3 is what causes all the problems. The officer was
4 only occupying that position when he was -- he had
5 the support of a certain political party and they
6 wanted the counterparts.

7 Q. By the majority shareholder, who do you
8 mean?

9 A. The government.

10 Q. Of Brazil?

11 A. Yes.

12 Q. Can you explain for me in more detail
13 this relationship between the executive board and
14 the majority shareholder?

15 MR. COOPER: Objection.

16 A. Most officers, I am going to give you
17 the example of Paulo Roberto Costa. He was
18 appointed with the support of a political party.
19 So they would appoint Paulo Roberto Costa to that
20 position as an officer, and Paulo Roberto Costa
21 would pay bribes to that party. If he didn't pay
22 the bribes, he wouldn't occupy that position, which
23 of course does not justify the payment of the
24 bribes.

25 Q. Who else other than Costa that you know?

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2 A. What I know is what was mentioned inside
3 the company. The head of the international
4 division, actually I forgot to mention in the
5 beginning Nestor Cervero. He, for example, had the
6 support of a political party PMDB.

7 Q. What does that stand for?

8 A. Brazilian Democratic Movement Party.
9 Renato Duque was by the Workers Party.

10 Q. What was Renato Duque's position in the
11 company?

12 A. Head of the services division.

13 Q. Who else?

14 MR. BERMAN: Objection to form.

15 A. Officer Estrella, also by the Workers
16 Party. That is all I know.

17 Q. What was officer Estrella's position?

18 A. Head of the exploration and production
19 division.

20 Q. What about Gabrielli?

21 A. CEO.

22 MR. COOPER: Objection to form.

23 A. Supported by the Labor Party, appointed
24 by the Brazilian presidency.

25 Q. Who was the president who appointed

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2 Gabrielli?

3 A. The board of directors is the one who
4 makes all the approvals. The interpreter has to
5 clarify one position. The interpreter heard the
6 government. By the government, so the president.
7 In that case Gabrielli, which whose connection was
8 the president at that time Luis Inacio Lula da
9 Silva.

10 Q. And you had mentioned that your
11 knowledge about the quid pro quo between the
12 executives at Petrobras and the government with the
13 exchanging of the bribes was mentioned inside the
14 company. Who inside the company was mentioning
15 these names?

16 MR. COOPER: Objection to form.

17 MR. BERMAN: Objection to form.

18 A. What names?

19 Q. The names of the executives that were
20 receiving bribes and were appointed by the
21 government. You said you know these names because
22 they were mentioned inside the company. So my
23 question is by whom were they mentioned inside the
24 company?

25 MR. COOPER: Objection to form.

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2 Misstates testimony.

3 MR. BERMAN: Objection.

4 A. Within the company it wasn't mentioned
5 that it was done through bribes or that there was a
6 whole corruption process. What would happen is
7 that the overbilling many times was explained such
8 as local content. What would happen is that upon
9 reviewing those variables, we would never get to an
10 amount that could technically explain.

11 Q. Who knew about the overbilling of the
12 company?

13 A. The officers and the board, and I am
14 talking specifically about the construction, the
15 projects, construction projects. They were
16 overpriced and overbilled, and even with that,
17 which made those projects actually unfeasible, and
18 even with that, investigations were not requested.
19 But what you asked me was who knew. The whole
20 executive board knew.

21 Q. What about the board of directors?

22 MR. COOPER: Objection.

23 A. In my division the ones who would attend
24 the board of directors meetings were the officers,
25 but we would prepare the presentations that he

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2 would present, and within those presentations the
3 unfeasibility was right there or related to the
4 amount of these projects.

5 Q. So the presentations of overbilling were
6 made to the board of directors as well as to the
7 board of executive officers?

8 MR. COOPER: Objection.

9 MR. BERMAN: Objection to form.

10 A. Correct. Yes, but at that time you
11 wouldn't call it overbilling, you would just see
12 that there was a part of the budget that could not
13 technically be explained.

14 Q. Were you present at the meetings where
15 the board of directors and the board of executive
16 officers were made aware of these parts that could
17 never be explained?

18 MR. BERMAN: Objection to form.

19 A. I attended a few meetings of the
20 executive board.

21 Q. Do you recall what year or in which
22 years?

23 A. 2009.

24 Q. And what about -- how do you know that
25 the board of directors was aware of these payments,

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2 overpayments, that could not be explained?

3 MR. COOPER: Objection.

4 A. Because there was a presentation about
5 this to them in a meeting that I attended.

6 Q. The board of directors meeting?

7 A. Correct. Also the documentation that I
8 would submit on a regular basis to the officer
9 Paulo Roberto Costa.

10 Q. Did Paulo Roberto Costa have an
11 obligation to send presentations that he received
12 to the board of executive officers and to the board
13 of directors of Petrobras?

14 MR. COOPER: Objection to form.

15 A. I believe that anything that is of great
16 interest to the company that has a great impact on
17 the investments and on the cash of the company
18 should be discussed, and in the case of the
19 northeast refinery, which was a project that was
20 under my coordination in those days, this was among
21 a set of projects that was under a government
22 program called PAC or growth acceleration program,
23 and they would follow up on those projects and how
24 they were doing on a monthly basis. So let me
25 explain how this following up would happen.

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2 Q. Before you go there, can you clarify who
3 "they" is who was monitoring this program on a
4 monthly basis?

5 A. The government.

6 Q. Who at the government?

7 A. Conducted by the house. Civil house.

8 Q. Do you know the names or no?

9 A. I remember Dilma Rousseff when she used
10 to be a minister. She had a group that was
11 connected to her that would do this following up.
12 And why do I know that? Because in each division
13 there was a person in charge of the program and
14 within the supply division that person was
15 connected to me. That person was in charge of
16 collecting all the information for the whole
17 program, not only of the refinery, would
18 consolidate the information internally and would
19 present it to the officers and the CEO, and there
20 was one coordinator among all coordinators of the
21 PAC program who was connected to the government, to
22 the CEO.

23 THE INTERPRETER: The interpreter will
24 stand corrected.

25 A. Who would communicate with civil house,

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2 chief of staff. So in other words, projects were
3 followed up very closely.

4 Q. Who was the person who was making
5 monthly presentations to the officers and the CEO?

6 A. This happened about six or seven years
7 ago. So, you know, under my division there are
8 12,000 individuals, so I get confused with numbers.

9 Q. Did you see the presentations that were
10 made to the officers and the CEO about the progress
11 of the projects?

12 MR. COOPER: Objection.

13 A. Yes.

14 Q. How did you come about seeing them?

15 A. Since I was the person who is the PAC
16 person was in charge, so, you know, just like the
17 other, since I was an officer, you know, among
18 others, you know, that were invited to be part of
19 projects, I was invited to come to meetings where
20 Paulo Roberto Costa was present.

21 Q. What about meetings where Gabrielli was
22 present?

23 MR. COOPER: Objection.

24 A. Regarding PAC program?

25 Q. Yes.

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2 A. I went on a few. I wouldn't go on a
3 monthly basis. And the biggest concern was to
4 demonstrate that it was within the time limit.

5 Q. What was the time limit?

6 A. So each project had a physical advance,
7 and so and the meetings were to follow up that
8 physical advance. Progress. When the chief of
9 staff had any questions, they would contact each
10 officer, each head, each division that followed up
11 with the PAC program. I mentioned PAC just to give
12 you an example that everybody was aware of what was
13 going on because there were documentations, there
14 were presentations and even the government would
15 attend or participate.

16 Q. Do you know who from the government
17 would attend these presentations?

18 MR. COOPER: Objection.

19 A. No. They would not attend those
20 meetings. They would receive the documentation.

21 Q. Who from the government, if you recall
22 the names?

23 MR. COOPER: Objection.

24 MR. BERMAN: Objection to form.

25 A. I believe that at that time it was

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2 Berenice, but I'm not sure.

3 Q. Do you remember which political party he
4 or she was affiliated with?

5 A. Labor Party.

6 Q. A few minutes ago we talked about an
7 e-mail you sent to Ms. Foster about the
8 irregularities in the communications division. I
9 want to enter da Fonseca Exhibit 8.

10 MR. BERMAN: Objection to form.
11 Mischaracterizes the witness's testimony.

12 MR. COOPER: There are two documents
13 here actually. There is an e-mail and then
14 there's something that is underneath it.

15 MS. GILMORE: That is the documents you
16 wanted sent to --

17 MR. COOPER: But this e-mail does not
18 have any attachments. There is no
19 indication that there is anything attached
20 to it.

21 MS. GILMORE: There is none. They are
22 two separate documents.

23 MR. COOPER: It is misleading as it is.

24 MS. GILMORE: Sure. So we will do 8 and
25 9.

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2 (da Fonseca Exhibit 8, One-page e-mail,
3 was so marked for identification, as of this
4 date.)

5 (da Fonseca Exhibit 9, DIP document, was
6 so marked for identification, as of this
7 date.)

8 MR. COOPER: I don't think this is a
9 copy that we produced. Where does it come
10 from?

11 MR. KEHOE: You have a copy in front of
12 you.

13 MR. COOPER: What is the source of it?

14 MR. KEHOE: I believe it is from the
15 public records.

16 MR. BERMAN: What does that mean?

17 MS. GILMORE: The Brazilian police.

18 MR. KEHOE: I'm told that we have a copy
19 that you produced as well.

20 MR. COOPER: Yes, but I'm not asking
21 that. I am asking about the copy in front
22 of us.

23 MS. GILMORE: From her labor complaint,
24 I am told.

25 MR. KEHOE: Why don't we ask the witness

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2 about this and see if the witness recognizes
3 it. Maybe the witness can testify to it.

4 MS. GILMORE: I am happy to stop this if
5 you have an issue and try to interfere with
6 the deposition. We can introduce the same
7 exact copy with your production if you
8 produced it.

9 MR. COOPER: I don't think we are trying
10 to interfere. I think we are trying to
11 understand the source of the document.

12 MS. GILMORE: I can represent to you
13 that this is a document --

14 MR. COOPER: You are representing that
15 it comes from her labor dispute filings, is
16 that correct?

17 MS. GILMORE: Yes.

18 MR. COOPER: That is from the public
19 record?

20 MS. GILMORE: Yes.

21 MR. COOPER: Okay.

22 Q. Ms. Venina, do you recognize the e-mail
23 and is that an e-mail that you sent on April 3,
24 2009 to Ms. Graca?

25 A. Yes.

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2 Q. Can you explain that e-mail for me,
3 please?

4 A. Before sending the document to the
5 auditing division, whereas I reported the whole
6 history of the problem that I encountered with the
7 communications division, I showed this document to
8 Graca in order to verify if the procedure that I
9 thought was the correct one was exactly the one
10 that should occur within the company.

11 I discussed. I didn't only show the
12 documents, but I had a talk with her, and she said
13 that she was aware of it because she had been
14 present at the executive board where it had been
15 discussed, and I did not receive any guidance from
16 her regarding that.

17 Q. Is the document marked as Exhibit 9 the
18 document you were -- one of the documents you were
19 seeking to show Ms. Foster?

20 A. Correct. However, there were many
21 different attachments that are not here, but yes,
22 that is it exactly. I do recognize the document.

23 MR. COOPER: I just want to correct
24 something on the translation. The English
25 translation on the subject line and

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2 elsewhere refers to accounting. The
3 Portuguese word is auditoria, which is
4 auditing, so it is a reply to the GP
5 auditing as opposed to accounting.

6 Q. Ms. da Fonseca, was the DIP document
7 AB-CR 104/2009 sent to the auditing department?

8 A. Yes. There is a problem with the
9 translation. It is written auditing. It should be
10 correct.

11 MS. LEVI: The translation is auditing.
12 Auditing is auditing and accounting is
13 accounting. The translation is correct.

14 MR. MARTINI: The translation is saying
15 accounting where it is auditoria, which is
16 auditing.

17 Q. Can you look on page 8, is that the
18 list, a complete list of the attachments to this
19 DIP report?

20 A. Correct.

21 Q. Did you give this attachment as well to
22 Ms. Graca Foster?

23 A. Yes.

24 Q. Do you remember was it April?

25 A. Not the first one. The first one, no.

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2 Sure, because the first one was the legal opinion,
3 but that I'm not sure, but of the internal
4 committee, yes.

5 Q. Do you recall why the CGU was requesting
6 information with respect to the activities in the
7 communications department?

8 MR. BERMAN: Objection to form.

9 A. Major or larger communications events
10 projects are monitored by the communications
11 division of the government.

12 Q. And can you just explain what the CGU is
13 or what does it stand for?

14 MR. COOPER: The witness has to -- if
15 the witness knows, she has to answer.

16 A. Federal controlling --

17 MS. LEVI: Controller general.

18 A. Controller general. Actually I would
19 like to make an observation. The documents
20 attached to what you are referring to here are on
21 page 7.

22 Q. Okay.

23 A. Because there are various different
24 documents and they were submitted to Graca
25 da Fonseca. The documents that you referred to are

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2 the ones for the division responsible for Geovane's
3 dismissal.

4 Q. Why was the CGU at that time interested
5 in the information in what was happening at the
6 communications department at Petrobras in 2009?

7 MR. COOPER: Objection to form.

8 A. They did audits on this case, and when
9 they find any inconsistencies, they ask questions,
10 but relationship with CGU is with the auditing
11 division. Auditing is the one who follows up with
12 the whole case.

13 Q. Do you know how the CGU became aware of
14 inconsistencies at Petrobras' communication
15 department in 2009?

16 A. I believe that it was during normal
17 following up procedures that they conducted.

18 Q. Have you seen any of the documents
19 prepared by CGU about these inconsistencies?

20 MR. COOPER: Objection.

21 A. No.

22 Q. Do you know who, if anybody, at
23 Petrobras has these documents, if any, prepared by
24 CGU about the inconsistencies?

25 MR. COOPER: Objection.

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2 A. The contact division was the auditing
3 division.

4 Q. Who was the head of the auditing
5 division at the time again?

6 A. Gerson.

7 Q. Is he still employed at Petrobras?

8 A. He is retired.

9 Q. Do you know who took his place?

10 A. No.

11 MS. GILMORE: I think we should break
12 for lunch.

13 THE VIDEOGRAPHER: The time is 12:55
14 p.m. We are going off the record.

15 (Lunch recess: 12:55 p.m.)
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2 Afternoon Session

3 1:29 p.m.

4 THE VIDEOGRAPHER: This marks the
5 beginning of videotape number 3. The time
6 is 1:58 p.m.

7 VENINA VELOSA DA FONSECA, having been previously
8 duly sworn, was examined and testified further as
9 follows:

10 EXAMINATION (Continued)

11 BY MS. GILMORE:

12 Q. Ms. da Fonseca, I have a quick follow-up
13 two questions on the communications department
14 testimony you gave. You testified that you sent
15 the report that was generated by the independent
16 investigation committee to the audit and the legal
17 department. Is that correct?

18 A. Yes.

19 Q. Was it also sent to the board of
20 executive officers?

21 A. The report?

22 Q. Yes.

23 A. I sent the report to Roberto Paulo Costa
24 and all the executives that were on that division
25 connected to Roberto Paulo Costa at that time.

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2 Q. Did those executives include Gabrielli?

3 A. No.

4 Q. Do you know if Gabrielli received a copy
5 of the internal investigation reports prepared by
6 the investigation committee that you had put
7 together?

8 A. I sent the report to the auditing
9 division. There is a regulation that says that
10 they have to present the contents of the reports to
11 their superiors, and that case would be the board
12 of directors. I'm not sure if they did that or
13 not.

14 Q. Is the regulation that you just talked
15 about something Petrobras has in writing?

16 MR. COOPER: Objection to form.

17 A. I wouldn't know.

18 Q. Is it just common practice that the
19 audit department would send the information they
20 have to the board of directors?

21 MR. COOPER: Objection to form.

22 A. No, because the auditing division is
23 connected to the board. It is not connected to the
24 CEO of Petrobras. This reality was in those days.
25 Now there is a lot of restructuring going on, so I

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2 don't know what they did with it.

3 Q. Just so I understand your testimony, at
4 that time the audit committee was supposed to send
5 information to the board of directors or the board
6 of executive officers or both?

7 MR. COOPER: Objection to form.

8 A. Board of directors.

9 Q. Do you recall at the time who was on the
10 board of directors of Petrobras?

11 A. I know that Dilma was. The CEO
12 Gabrielli, ABR's president, who was Mr. Lima, and I
13 don't remember, there was one from the Brazilian
14 central bank, but I don't remember.

15 Q. Let's now turn to the Abreu and Lima
16 refinery. Can you describe for me the
17 irregularities you encountered when you were
18 employed at Petrobras in connection with the Abreu
19 de Lima refinery, and if you can, can you walk us
20 from the beginning so it is easy to understand what
21 happened?

22 MR. COOPER: Objection to form.

23 A. Petrobras had signed an agreement with
24 Venezuela, and in those days Venezuela was
25 represented by Pedavesa. This agreement had been

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2 an agreement between governments and 14 memorandums
3 of understanding had been signed, one of which
4 being the northeast refinery construction and the
5 main item on that acquisition would be the
6 counterpart would be oil production in Venezuela,
7 and the only memorandum that actually went ahead
8 was the one for the northeast refinery.

9 On a more strategic level, it was
10 defined how the partnership would be the percentage
11 of investment and within Petrobras the ones in
12 charge of that relationship were the CEO Gabrielli
13 and Paulo Roberto Costa and an oil specializing
14 consulting company had been hired. There was a
15 need to have more refinement in Brazil because it
16 was more demand than supply in the market, so a
17 project was created to update the refineries, the
18 current refineries and then they reached their
19 refining capacity, so the construction of an
20 additional refinery was indicated, recommended.

21 Within my division were the technical
22 studies that were held or executed. In order to
23 have the economic valuation, we would get cost
24 information from the engineering department and we
25 would adopt the variables that were indicated in

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2 the strategic plans for the company. What happens
3 that the refinery started with an indication of
4 possibility of funds of \$2 billion, and during
5 phase 3 were the more advanced phase which was
6 October 2009. It had an estimated cost of
7 \$13 billion, and what happened during that time
8 period or what really called attention about this
9 project was the price that had been inflated.

10 In the beginning Petrobras hadn't built
11 a refinery for more than 30 years, so there is no
12 experience because within the specialized personnel
13 that had done it, they were all retired, so my
14 division with the legal division that supported,
15 gave support to the corporate, in that case the
16 head was Fernando de Sa. We recommended a change
17 in the contractual model that Petrobras used to
18 adopt a more modern model that was more in
19 accordance with international standards.

20 There was a study that showed that when
21 it comes to planning, Petrobras had a good ranking
22 within the industry, within the oil industry, but
23 when it came to implementing, when it went to that
24 phase, it was one of the worst ones. So, in other
25 words, it was a history of bad performance within

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2 the area. Within this group of experts there was
3 then intense arguing in the engineering department
4 that was in charge of the relationship with the
5 building companies did not accept this new model,
6 so after intense discussions internally we decided
7 to take that proposal to Sergio Gabrielli.

8 THE INTERPRETER: The interpreter would
9 like to say that the first word when the
10 interpreter said arguing, intense arguing,
11 it was intense discussions instead of
12 arguing.

13 A. And that meeting Mr. Renato Duque, head
14 of the service department, had attended, Paulo
15 Roberto Costa, Sergio Gabrielli and Fernando Sa.
16 The presentation made it clear that in order to
17 change the planning process, a change in the
18 contractual models should be inserted. Actually
19 the presentation made it clear that in order for us
20 to follow up with the project's construction
21 appropriately, we would have to change the
22 contractual models. This happened in July 2009.

23 This after almost one year of
24 discussions regarding the whole process. Before
25 that, the plan for acceleration of the refinery had

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2 been proposed. The request came from Mr. Paulo
3 Roberto Costa, the officer. He requested it to me
4 or he requested me. It was very clear in the
5 document that this was his request, and in this
6 document there were different premises for the plan
7 to work out.

8 I think if I'm not mistaken, this plan
9 is from 2007. One of the premises would be the
10 change in the contractual model which I just
11 mentioned. Also acceleration of the detailing
12 projects and a few measures or actions also in the
13 area of equipment purchasing. The projects as well
14 as equipment, the equipment were under the service
15 division areas. I'm sorry. Service division
16 responsibility.

17 Another premise would be to constitute a
18 company in order to allocate all the costs during
19 all the phases of the project and capture all the
20 costs as well. This last premise was under my
21 responsibilities. So when this agenda had been
22 submitted, we had a presentation for the officers,
23 and that same presentation was also made at the
24 board of directors meeting.

25 So in other words, the executive board

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2 and the board of directors were both aware of what
3 needed to be done in order for the project to be
4 successful.

5 About two or three months after that
6 presentation, another presentation was made to the
7 executive board and the board of directors with at
8 that time with a company formed with the proposal
9 for forming, for contracting that company and also
10 we showed how the other premises were being dealt
11 with throughout the project.

12 MR. COOPER: I'm going to object soon as
13 non-responsive. This is kind of a monologue
14 unrelated to a question.

15 MS. GILMORE: She can finish her answer.

16 MR. COOPER: I am going to make my
17 objection.

18 Q. Go ahead.

19 A. What called attention after this was the
20 bidding for the power house, because the prices
21 came much above the estimates, so I requested in
22 writing Mr. Paulo Roberto Costa not to authorize
23 the services and to wait for other bids to be
24 submitted so that we could find out if that was
25 really the market price. This might have been

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2 towards the end of 2008.

3 During that period of time I had various
4 different meetings with the officer Mr. Paulo
5 Roberto. I called his attention in writing at
6 various different times about the price escalation.
7 There is a system that calculated this prices for
8 bidding. Every time we asked how did they come up
9 with those estimates, they would answer that the
10 system would do it.

11 So after meetings and after persisting
12 with the engineering department and the center of
13 research to review the basis for what the system
14 would come up with, they found out that there is a
15 major difference in the results.

16 MS. LEVI: Outdated.

17 A. This took about six months out of this
18 process of identifying the variables and I had the
19 answer that the system was in fact outdated in
20 September of 2009 and the division responsible for
21 calculating these prices, those prices, was the one
22 connected to engineering. What does that mean? It
23 means that when they calculated the project in the
24 identification phase when they said the project was
25 worth \$2 billion, it could have been 3, 4, in other

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2 words, during the identification we would stress
3 that it was not a feasible project. Regarding the
4 price escalation, we would review different
5 variables, exchange rate, steel prices,
6 international market heating, local markets, and
7 then we started to add one more variable which was
8 the system.

9 We would also consider the variables
10 that had to do with the scope of the project which
11 could go up or down, but even with the system,
12 there was still an amount that we could not trace
13 back. As of April/May 2009 I started to persist
14 even more with the officer about that price
15 escalation. I received an e-mail from the officer
16 Paulo Roberto Costa that was forwarding an e-mail
17 from Duque where he would say that construction was
18 his job, and what we were pointing out at that time
19 would be evaluated or reviewed if that were the
20 case, and then the officers subsequently on another
21 meeting asked us to focus on the economic
22 evaluation.

23 There were various different discussions
24 about the subject with the officer. Just to remind
25 you that at that time the division did not have

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2 many ongoing projects and the one who really would
3 decide in those regards was the officer Mr. Renato
4 Duque.

5 I went to the officer -- I went to the
6 office of Officer Paulo Roberto to find out why he
7 had forwarded that e-mail from Renato Duque and he
8 told me to just follow the orders given that my
9 division should focus on the economic evaluation.

10 I am going to open up a parentheses. I
11 went out to lunch. When I went out to lunch, when
12 I came back, Mr. Paulo Roberto Costa had had a
13 meeting in my absence with all the other executives
14 saying that I had asked to be dismissed. I behaved
15 as if I didn't knew about that because he didn't
16 tell me about it directly, and I then came to the
17 conclusion that I should expedite the phase 3
18 studies because that would be the point where it
19 would be decided if the project would be wholly
20 implemented.

21 When we performed that evaluation, the
22 project was budgeted at \$13 billion with a current
23 net value of minus 2.5 -- net present value of
24 minus \$2.5 billion, and we had already invested
25 something around 1.5 or \$2 billion and there was

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2 another amount that was also compromised. After
3 that, a study was concluded, was completed. We had
4 another presentation to the executive board.

5 MR. MARTINI: Objection. For a matter
6 of clarification, it is stated that there
7 was another amount that was also
8 compromised. Just to make sure if it means
9 committed and not compromised.

10 THE WITNESS: Committed.

11 THE INTERPRETER: Thank you for the
12 clarification.

13 A. There was then another presentation to
14 the executive board. I prepared the document to be
15 submitted with all that information, all the other
16 projects that were bid before that one. I would
17 prepare an intermediate economic evaluation where
18 it was clear that the project was not profitable.

19 What did that mean? That during the
20 life of the project or the existence of the
21 project, it would not give us any profits.
22 Actually quite to the contrary. Just losses. Just
23 to make it clear, just to make clear that this
24 non-feasibility of the project was also contained
25 in the bidding not only during the phase changes.

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2 I was called to make -- I was called then to make
3 those economic variables more flexible. The ones
4 that were part of the study.

5 Since I refused to do so, that was in
6 October 2009, since I refused to do so, they
7 dismissed me from the position of executive --
8 corporate executive. This phase was approved in
9 the middle of November 2009.

10 MR. BERMAN: Move to strike as
11 non-responsive to the question.

12 MR. COOPER: I join in that and renew my
13 objection earlier.

14 Q. Let's go back. I have some questions
15 about the answer to the question. Let's go to in
16 2007 you testified that you had proposed a model
17 that was similar to an international model to be
18 adopted. Can you describe that model for me and
19 who that proposal was made to?

20 A. One of the biggest challenges for the
21 project was the size of the refinery and the amount
22 of suppliers within the refinery that interacted,
23 and one of the changes in model was that the
24 planning for contractors should be much more
25 detailed than they were and there was some aspects

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2 that could not be postponed such as let's say if I
3 had to install something. So let's say if that
4 installation had to do with another one, that one
5 would have to be done before the other
6 installation. That seems obvious but that is one
7 of the things they give reason to other amendments.

8 There was also a significant change that
9 had to do with rain because there is a measurement,
10 there is a rain measurement adopted that could be
11 the basis to calculate payments accounting for days
12 that there were no operations due to rain but they
13 used to adopt the construction model, dry model.

14 In other words, they had a set amount for in case
15 of rain, but rain did not always impact the project
16 in the same way and there were consortiums, you
17 know, there were not people in charge of these
18 consortiums, so there was not a single point of
19 responsibility of someone who we could contact in
20 case there was a problem. This is not my
21 specialty, but I did attend a few meetings where
22 this model was proposed, but it was not adopted.

23 Q. The proposal that you had suggested
24 would have cut costs for Petrobras. Isn't that
25 true?

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2 A. Yes.

3 MR. COOPER: Objection to form.

4 Q. It would have also resulted in less
5 amendments to the contracts. Is that correct?

6 MR. COOPER: Objection to form.

7 A. Correct.

8 Q. Yet despite Petrobras refused to adopt
9 this proposal. Is that correct?

10 MR. COOPER: Objection to form.

11 A. Correct.

12 Q. Why did Petrobras refuse to adopt this
13 proposal?

14 MR. COOPER: Objection to form.

15 MR. BERMAN: Objection.

16 A. One of the issues raised is that the
17 contractors did not work in that way though we
18 should follow the way they worked.

19 Q. Who are the contractors, if you
20 remember?

21 MR. COOPER: Objection to form.

22 A. The members of the cartel who were the
23 largest building companies in Brazil. If I start
24 mentioning names, I may be making mistakes because
25 I did not have a direct relationship with them.

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2 Q. So in other words, the proposal you were
3 making would have benefited Petrobras, but it would
4 not have benefited the cartel companies?

5 MR. COOPER: Objection.

6 MR. BERMAN: Objection to form.

7 A. Correct.

8 Q. Because the proposal was not followed,
9 was rejected by practices, that rejection had the
10 result of harming Petrobras from benefitting the
11 contractors?

12 MR. BERMAN: Objection.

13 MR. COOPER: Objection to form.

14 A. I agree with what you said first that
15 they really caused losses to Petrobras and I do
16 agree that in some way they benefited the
17 contractors but maybe they were not the only ones
18 who were benefited such as we saw right now.

19 Q. Who else do you think would have
20 benefited?

21 MR. BERMAN: Objection. Calls for a
22 conclusion.

23 MR. COOPER: Objection.

24 A. Politicians.

25 Q. Why do you say that?

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2 MR. BERMAN: Objection. Calls for a
3 conclusion.

4 A. I found out after Paulo Roberto Costa's
5 plea bargain. There was a suspicion after Fernando
6 Sa filed a complaint regarding the cartel and
7 instead of the officer at that time Nilton Maia,
8 his superior, request an investigation of the
9 cartel, they requested an investigation of
10 Fernando.

11 After this investigation, he had no
12 access to the report but he was demoted. This was
13 very close to the meeting we had about that
14 contract, the meeting with the officers and the
15 CEO. They knew that by demoting Fernando I would
16 lose my main point of support within the company
17 and Fernando was transferred to an office where for
18 a few months he just didn't do anything. He was
19 hospitalized for times and then he went back to a
20 position that was not a legal position. Only after
21 I was demoted from the executive, my executive
22 position.

23 Q. And this was --

24 MR. BERMAN: Objection. Move to strike
25 as non-responsive.

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2 MR. COOPER: I join.

3 Q. This punishment that you and Mr.
4 Fernando Sa received on behalf of Petrobras was in
5 response to you and Mr. Sa trying to flag problems
6 including the existence of a cartel?

7 MR. BERMAN: Objection.

8 MR. COOPER: Objection to form.

9 A. Fernando Sa was due to pointing out the
10 existence of the cartel and myself because I would
11 always point out that the refinery would result in
12 losses in my economic review.

13 Q. Yes. I am going to cover Mr. de Castro
14 Sa in more detail, but first I want to mark Exhibit
15 10. I am told it was already introduced as Exhibit
16 7. Sorry. It is a new exhibit.

17 (da Fonseca Exhibit 10, Translation
18 documents, was so marked for identification,
19 as of this date.)

20 MR. BERMAN: Are these your internal
21 translations that are part of the exhibits?

22 MS. GILMORE: Yes, these are our
23 internal translations.

24 MR. COOPER: We reserve our rights to
25 make any objections to any of the

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2 translations, parts that may come up. We
3 are not agreeing that this is a translation
4 that we have no issues with.

5 MR. BERMAN: I join with what Mr. Cooper
6 just said.

7 MS. GILMORE: I understand. Your
8 position is noted.

9 Q. Ms. da Fonseca, is this a document which
10 includes attachments that you in this e-mail states
11 we are forwarding a declaration statement you made
12 on September 4, 2014 regarding RNEST, which is
13 Abreu Lima?

14 A. Yes.

15 Q. I want to direct your attention to
16 attachment 7, please. Is this a presentation that
17 you called it would be real if we do it
18 differently?

19 A. Yes.

20 Q. This presentation was made on June 19,
21 2008?

22 A. Yes.

23 Q. It says subject presentation made to the
24 president. What does that mean?

25 A. That is a presentation I mentioned

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2 previously about the contracting model and this
3 presentation was during a meeting between myself,
4 Paulo Roberto Costa, Mr. Duque and Fernando Sa and
5 Sergio Gabrielli.

6 Q. Once again you said Petrobras rejected
7 the model that you had proposed?

8 MR. COOPER: Objection to form.

9 A. Yes. That's correct.

10 Q. Did anyone else at Petrobras, did any
11 members of the executive board other than Paulo
12 Roberto Costa, Duque and Sergio Gabrielli receive
13 this presentation, if you know?

14 A. I personally did not send it to anyone.

15 Q. You testified that you made a
16 presentation to the board of directors of Petrobras
17 in about July 2009. Is that correct?

18 A. Yes.

19 Q. Do you recall what day in July 2009 you
20 made that presentation?

21 A. It was in July, but the exact date I
22 don't remember.

23 MS. GILMORE: Exhibit 11, please.

24 (da Fonseca Exhibit 11, Board
25 presentation of July 2009, was so marked for

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2 identification, as of this date.)

3 Q. Ms. da Fonseca, is that the presentation
4 you say was presented to the board in July 2009?

5 A. Yes.

6 Q. Does this presentation show the lack of
7 viability, economic viability of the RNEST project
8 at the time?

9 A. Yes.

10 Q. Can you tell me where in the
11 presentation you see that?

12 A. On page 17.

13 Q. Can you walk us, please, through what
14 shows a lack of viability of the project, please.

15 A. An evaluation was conducted using
16 various different scenarios with variables that
17 Petrobras used to adopt. The base scenario which
18 was the scenario that was used as a reference
19 because it contained all the variables that you
20 could expect. It would be here on this quadrant.
21 You see here that there is an amount of minus
22 \$33 billion.

23 Q. 2.3.

24 A. I'm sorry. 2.3. A more conservative
25 scenario and then it would be \$3 billion negative.

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2 If we were very aggressive in our proposal of
3 changes, such as taxes, it would still come to
4 negative results, so in every possible scenario it
5 was a bad thing. This is only this page. If we go
6 through all the pages we are going to see the same
7 thing.

8 Q. For example?

9 MR. COOPER: Objection to form.

10 A. They evaluated that as a company we
11 could think of the refinery as a consortium company
12 or a company owned by Petrobras. Even with that,
13 actually I am looking for it would always be bad.
14 For example, on page 21, in order to have an amount
15 that would be zero, in other words, without any
16 profits or losses, we would have to have savings or
17 economy -- savings of 22 percent, and whereas with
18 the power house they were 300 to 400 percent more
19 than what we had forecasted.

20 Q. Which power house are you referring to?

21 A. I am using page 21, the power house was
22 an example that I provided.

23 Q. Do you recall who would be a contractor
24 for the power house?

25 MR. COOPER: Objection to form.

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2 A. Alusa.

3 Q. Alusa is a cartel member, correct?

4 MR. BERMAN: Objection to form.

5 A. Correct.

6 Q. Did Petrobras grant to Alusa the power
7 house project?

8 MR. COOPER: Objection to form.

9 A. Yes, it did.

10 Q. You mentioned you made this presentation
11 to the board of directors of Petrobras, correct?

12 A. Yes.

13 Q. Can you name for me who from the board
14 of directors was present when you made this
15 presentation?

16 A. The same people. Paulo Roberto,
17 Barbassa, Estrella, Sergio Gabrielli, Graca. I'm
18 not sure if Cervero was there or not at that time
19 and Duque.

20 Q. I'm sorry. You meant board of executive
21 officers or board of directors?

22 A. They were from the executive board and
23 for the board of directors the presentation was
24 made in December. I was no longer in the position
25 of executive. Showing also that the project was

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2 slightly negative and the challenges in order to be
3 able to obtain that amount. That was after the
4 initial study presented by me had been changed.

5 Q. Speaking of changes to the presentation,
6 I believe you testified that you were asked to
7 remove negative information from the report showing
8 the negative VPL value. Is that correct?

9 MR. COOPER: Objection to form.

10 A. Correct.

11 Q. Can you explain to me what happened?

12 A. I conducted a study which is contained
13 in this presentation which have variables that come
14 up to these results. After I left, a study was
15 conducted where they changed a few variables. I
16 don't know which ones because I didn't have access
17 to that study and the base scenario that initially
18 had minus 2.33 negative billion went almost to
19 zero. This was six weeks after I left. In other
20 words, the market had not changed.

21 Q. Do you know who ordered that these
22 numbers be altered?

23 MR. COOPER: Objection to form.

24 MR. BERMAN: I join.

25 A. Paulo Roberto Costa.

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2 Q. How do you know that?

3 A. Because Francisco Pais, his assistant,
4 told me directly.

5 Q. Do you know if the board was aware that
6 these numbers have been doctored?

7 MR. COOPER: Objection to the form.

8 MR. BERMAN: Objection to form.

9 A. They saw the presentation in July where
10 the present net value were presented at minus 2.33.
11 In November, they saw that amount being transformed
12 to zero. This was after the executive board
13 demoted me from my position, so I do think that
14 they did know. This number doesn't just change if
15 there is not a reason behind it.

16 Q. And by the board knowing about this
17 sudden change, are you referring to the board of
18 executive officers and the board of directors?

19 MR. BERMAN: Objection.

20 MR. COOPER: Objection.

21 A. Correct.

22 Q. Let's go to Exhibit 11. Can you take a
23 look, please, at attachment number 16. Let me know
24 after you have a chance to review it, I have a few
25 questions to ask you. The one before this package.

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2 I'm sorry. Exhibit 10. Attachment 16. Take your
3 time and just let me know when you are ready. Are
4 you ready?

5 A. Yes.

6 Q. Can you describe this e-mail exchange
7 for me, please.

8 MR. BERMAN: Objection to form.

9 A. This e-mail is being sent by the general
10 secretary of the executive board to the officers
11 assistant Paulo Roberto Costa. The assistant's
12 name is Francisco Pais. The documents that I would
13 send to the executive board I would explicitly
14 include the economic valuation. For example, I
15 would say what had been performed, what we had
16 assumed and how that bid would impact the economic
17 value. I would give the result. The result as
18 minus something or other.

19 I will give you an example. Let's say I
20 have X or I have 10. I have spent 5 and I
21 committed myself to 6 and now I want to spend 2.
22 So the result is minus \$3 billion. In other words,
23 if you add and you subtract and you do all the
24 calculations, the result is minus 3. One of the
25 officers replied they didn't feel comfortable to

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2 approve a project with something so explicit that I
3 had to change.

4 Q. Who is "they" didn't feel comfortable?

5 MR. COOPER: Objection to form.

6 A. The executive board and Francisco Paes
7 was the one who would convey that information to me
8 and they wanted me to remove all the information.

9 Q. For example, which information?

10 A. All that information, what was the
11 investment and what was the impact and the present
12 value. All they wanted me to say was the amount
13 was within the budget.

14 Q. Why did they want you to remove it?

15 MR. BERMAN: Objection.

16 A. Because they were approving projects
17 that were hurting the soul of the company or the
18 profits for the company. We are talking here about
19 March 2009. I did not agree to remove them. I
20 told Pais they know how to calculate. They can
21 take out the calculations, but the result is going
22 to go.

23 Q. Did the result go?

24 MR. COOPER: Objection to form.

25 MR. BERMAN: Objection.

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2 A. Yes, they were.

3 Q. Can you tell me who Mr. Fujikawa is?

4 A. It was the CEO's general secretary at
5 that time, and if you note here, the officer here
6 was Renato Duque because his assistant is the one
7 who is sending to Pais, you know, I am put in with
8 all the other managers. You can see here, when
9 Pais is sending it, he puts me in the same group as
10 all the other subordinates.

11 Q. There is an e-mail here as part of this
12 package directly from Mr. Fujikawa on behalf of
13 Gabrielli that specifically asks for a new draft.
14 Is that correct?

15 A. Yes.

16 Q. So the orders to remove the material
17 come from Gabrielli?

18 MR. COOPER: Objection to form.

19 A. Yes. He and the officers, Paulo Roberto
20 and Renato Duque.

21 MS. GILMORE: Let's take a quick break.

22 THE VIDEOGRAPHER: The time is 3:10 p.m.
23 We are going off the record.

24 (Recess taken)

25 THE VIDEOGRAPHER: The time is 3:40 p.m.

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2 this begins tape number 4. We are back on
3 the record.

4 BY MS. GILMORE:

5 Q. Ms. da Fonseca, I just want to go back
6 to the time that you testified you were pressured
7 by Petrobras to change or remove numbers that did
8 not show a negative viability with respect to the
9 RNEST refinery. Can you provide examples of
10 specific conversations where this pressure was
11 exerted on you?

12 MR. BERMAN: Objection.

13 A. When this happened, in my office, this
14 requirement coming from the executive board
15 cabinet, Francisco Pais was assistant of Paulo
16 Roberto Costa. He came with documents that had
17 been already submitted to the executive board. I
18 believe the same documents mentioned by the
19 secretary on his e-mail. They had changes in them
20 and they were edited and completely different with
21 changes proposed.

22 Q. What were the differences that were
23 changed?

24 MR. COOPER: Objection to form.

25 A. My document I had explained very clearly

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2 that it was for the feasible due to the negative
3 amount so he didn't want to make it clear, so he
4 changed the text so that it would be very implicit.

5 Q. Do you have an example of what he was
6 proposing to change?

7 A. I have this amended document. What he
8 wanted basically was for me to remove the negative
9 VPL.

10 Q. Do you have the document with the
11 proposed changes that Mr. Pais wanted you to make?

12 A. Yes, I do.

13 MS. GILMORE: Counsel, we request
14 production of that document immediately. I
15 don't think we have it.

16 Q. Can you tell me what else occurred
17 during that conversation with Mr. Pais?

18 A. It was always to imply that I was in the
19 way of the project.

20 Q. How?

21 A. I was producing evidence. I was making
22 it difficult to be approved, that I was not
23 flexible enough for the adjustments that they
24 wanted to make. I don't know if that happened by
25 chance, but I do know that when I left, he was the

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2 one who replaced me.

3 Q. Was it the only instance where Mr. Pais
4 came to you to pressure you to change the numbers?

5 MR. COOPER: Objection to form.

6 A. No.

7 Q. Can you describe the other instances
8 when he did that?

9 A. Every time there is a document that
10 needed to be submitted to the executive board, I
11 would suffer pressure by them. I even sent a text
12 within documents because I was being so pressured
13 to change things that I was in charge and
14 responsible for the area where I operated. It
15 seemed strange what was happening in the other
16 division which was the engineering division.

17 Q. What was happening there?

18 A. These price estimates that were very
19 high above and then they were accepted and the way
20 they were in favor or defended the building
21 companies. We even asked the legal department to
22 have attorneys for the supply division, supply
23 department, but that was not -- that was denied.

24 The opinion by Fernando and also by the
25 legal department that supported, gave support to

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2 the service division also were conflictive and the
3 legal department head requested the opinions to be
4 issued only by the service division. This whole
5 thing made it seem very strange what was happening
6 at the engineering department.

7 Q. Can you tell me -- first, you said the
8 legal department head requested only the legal
9 opinion from the engineering department. Who was
10 the legal department head that made that request?

11 MR. COOPER: Objection to form.

12 A. Who was he?

13 Q. Who was the legal department head that
14 requested --

15 A. Nilton Maia.

16 Q. In connection with the increased prices
17 that Petrobras was paying to contractors, can you
18 tell me if you are aware of bribes at the time?

19 A. No.

20 Q. When did you first become aware of
21 bribes that were being paid to executives at
22 Petrobras?

23 MR. COOPER: Objection to form.

24 MR. BERMAN: Objection.

25 A. With the plea bargain of Paulo Roberto

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2 Costa.

3 Q. Can you tell me what was Alusa's
4 involvement in the construction of one of the units
5 at Abreu Lima?

6 A. Alusa at the time when I was there she
7 was the bidding for the power house.

8 Q. Alusa you said was a cartel member?

9 A. Yes.

10 MS. GILMORE: I would like to introduce
11 Exhibit 12.

12 (da Fonseca Exhibit 12, e-mail, was so
13 marked for identification, as of this date.)

14 Q. Ms. da Fonseca, can you describe for me
15 the content of this e-mail?

16 A. In this case it is CAFOR price estimate.
17 As I said before, there is a big discrepancy
18 between what was offered in the bidding documents
19 by the companies and the estimated amount that
20 Petrobras had estimated as the amount for the
21 contract. That would be equivalent as I said it
22 was 300, but actually 273 percent more.

23 MR. BERMAN: I assume this is another
24 internal translation we have in front of us?

25 MS. GILMORE: Yes.

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2 MR. BERMAN: We are not accepting that
3 this is an accurate translation in any way,
4 and so I guess you are just using it for
5 purposes of the deposition.

6 MS. GILMORE: Right.

7 MR. BERMAN: Okay.

8 Q. Ms. da Fonseca, was CAFOR a big contract
9 made as part of the other Abreu Lima refinery?

10 A. Yes.

11 Q. How big was it?

12 MR. BERMAN: Objection to form. Vague.

13 MR. COOPER: I join.

14 A. I'm not an expert. That is not my area
15 of expertise, but it is a huge contract. It is one
16 of the largest contracts.

17 Q. CAFOR was one of the largest contracts
18 in connection with the Abreu Lima refinery?

19 MR. COOPER: Objection.

20 A. Yes.

21 Q. Let's go to Exhibit 13.

22 (da Fonseca Exhibit 13, e-mails, was so
23 marked for identification, as of this date.)

24 MR. COOPER: To the extent it is not
25 clear, I think it should be on the record,

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2 but we will just have a standing objection
3 or reservation of rights as to all
4 translations of documents. Is that fair?

5 MS. GILMORE: Sure.

6 MR. KEHOE: Let the record also reflect
7 the witness has the Portuguese version.

8 MR. COOPER: I understand, but the
9 record is going to be in English here, and
10 if then something comes from the English
11 document or these are later used on summary
12 judgment or trial, I just want to be clear
13 we haven't waived any right to object to the
14 translation by having these used as exhibits
15 in this deposition.

16 Q. Ms. da Fonseca, in response to my
17 questions, you have been looking at the Portuguese
18 versions of the documents that you received or the
19 English versions?

20 A. Both.

21 Q. For each?

22 A. No problem with the translation, I
23 think.

24 Q. Let me know when you are ready.

25 A. Okay.

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2 Q. Let's go to the e-mail at the bottom of
3 the second page where you sent an e-mail, "Dear
4 DABAST," and you set forth four points. Can you
5 explain to me the first two points in this e-mail,
6 please?

7 A. This e-mail addresses the agreement's
8 signature for the power house.

9 Q. I think we are looking at different
10 documents. May I see the copy you are looking at?
11 On the back.

12 A. It is the power house signature. I
13 requested that the signature for the power house
14 should be on December 5th. The date we would have
15 other bidding envelopes already so we would know if
16 the bid price was fair or not and the second item
17 is that they asked for service authorization and
18 asked to be submitted but I asked to suspend that
19 permission until we would know for sure if the
20 amount in the agreement would be matched or similar
21 to the other bidding amounts. These are the first
22 and second items.

23 Q. Why did you want to request a suspension
24 to wait for other bids?

25 A. Because 272 percent above the amount

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2 estimated was too much.

3 Q. What happened in response to your
4 e-mail?

5 A. Pais sent it to me, cc to the officer.
6 He refuses items 1 and 2, and he asked actually
7 virtually I think what is most important, so he
8 refused it in writing.

9 Q. And he told you to go ahead and proceed
10 with the Alusa agreement even though it was
11 270 percent more than the internal budget at
12 Petrobras?

13 MR. COOPER: Objection to form.

14 A. Correct.

15 Q. Who else knew about this?

16 A. All members of the executive board,
17 because this project was at the executive board's
18 level. It was submitted for their approval.

19 Q. Do you know that the executive board
20 knew about the 270 percent price increase granted
21 by Alusa?

22 MR. COOPER: Objection to form.

23 MR. BERMAN: Objection to form.

24 A. I don't think so because here I speak
25 with -- I sent an e-mail to Wilson Guilherme, who

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2 was the refinery's manager, requesting that the
3 information was inside DIP, but I don't remember
4 that document.

5 Q. Do you know whether the information was
6 added to the DIP as you requested?

7 A. No.

8 Q. You don't know or it was not added?

9 A. No, it was not.

10 Q. It was not added?

11 A. No.

12 MR. BERMAN: Objection.

13 A. It was not.

14 Q. Do you know why it wasn't added?

15 MR. BERMAN: Objection.

16 A. Usually when you go into changing any
17 documents to be submitted to the executive board,
18 they have to be maintained in the agenda and that
19 was not the case. I remember the middle of the
20 meeting which was not inside Petrobras, but outside
21 I had called the office of Paulo Roberto Costa
22 about this information.

23 Q. Can you describe the conversation?

24 A. He was in the middle of a meeting, so it
25 was a quick discussion. I asked if he knew. He

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2 said he did because Wilson Guilherme had conveyed
3 that information directly to him that no needs
4 would change, that this would not change the
5 procedure in the meeting.

6 Q. Meaning that the 272 percent overcharge
7 would not be reflected in the DIP?

8 MR. COOPER: Objection to form.

9 A. Correct. I really do not remember what
10 number was in the document.

11 Q. Do you know the DIP number that was
12 presented to the board?

13 A. No.

14 MR. COOPER: Objection.

15 A. No.

16 Q. Why did Mr. Costa want Alusa to win the
17 contract for CAFOR?

18 MR. BERMAN: Objection.

19 Q. If you know.

20 A. I don't know. In those days, I didn't
21 know.

22 Q. What about now?

23 A. Cartel.

24 Q. Was there a time when you were employed
25 as an executive at Petrobras when you learned of

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2 the existence of the cartel?

3 MR. COOPER: Objection to form.

4 A. I remember when Fernando Sa found out
5 about the cartel, and there was an investigation
6 conducted and the Petrobras attorneys had a meeting
7 with the cartel's attorneys before the amendment
8 was ready about provisions that would generate more
9 amendments.

10 At that time in mid 2009 that I found
11 out about the cartel. Fernando Sa would request an
12 investigation to find out their level of operations
13 because at that time we didn't know that it was the
14 way it is today.

15 Q. And how did you become aware of the
16 existence of the cartel?

17 MR. COOPER: Objection to form.

18 Q. Did Mr. Sa approach you? How did that
19 happen?

20 A. Due to RNEST, we had meetings almost
21 every day and the challenges we were having with
22 the changes in the contract with the legal
23 department, so in these meetings within the legal
24 department made Fernando Sa suspicious about the
25 existence of a cartel, so he reviewed documents at

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2 the request of Nilton Maia and these documents were
3 evidence of the existence of a cartel, so there was
4 a suspicion in 2009 and then auditing was
5 requested, but as I said before, he was the one who
6 was investigated and both of us were demoted from
7 the positions that we occupied and I found out
8 about what happened like everybody else through the
9 media, through the plea bargain in the media.

10 Q. What were the documents that showed the
11 evidence of the cartel?

12 MR. BERMAN: Objection.

13 MR. COOPER: Objection.

14 A. Fernando Sa was the one who conducted
15 these researches, so he would be the most
16 appropriate person to provide that kind of
17 information.

18 Q. I understand you testified that you have
19 seen some of these documents. Is that correct?

20 A. Yes.

21 Q. Can you tell me which of these documents
22 that showed the existence of the cartel you have
23 seen?

24 A. As I mentioned before, it was a meeting
25 the cartel attorneys had with Petrobras attorneys

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2 to discuss clauses or provisions within the
3 contract that would result in possible amendments.
4 I had access to that document.

5 Q. Was it just one document you have seen
6 or more?

7 A. No, I saw the whole study, but I did not
8 dedicate time to studying it.

9 MS. GILMORE: Counsel, we request
10 immediate production of the studies
11 da Fonseca testified to seeing. I don't
12 believe Petrobras produced it.

13 Q. Do you recall who were the Petrobras
14 lawyers that participated in the meetings with the
15 cartel to discuss how to approach the amendments?

16 A. Usually it was the service division
17 attorneys. In that case the manager was Marina.

18 Q. Anybody else you recall from the legal
19 department?

20 A. No.

21 Q. Was anybody else aware of the existence
22 of the cartel in 2009?

23 MR. BERMAN: Objection.

24 Q. Let's start with the members of the
25 executive board.

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2 MR. COOPER: Objection to form.

3 MR. BERMAN: Objection.

4 A. Renato Duque without a doubt. He
5 participated directly within the demotion of
6 Fernando Sa. After I left, when Fernando went back
7 to having normal regular activities within the
8 company, I was told that he had been secluded
9 within an office because he had served the wrong
10 God or sir or boss.

11 MR. MARTINI: Objection. Just to
12 clarify, if it was Ms. Velosa or if it was
13 Fernando Sa who heard from Renato Duque that
14 phrase.

15 A. Fernando Sa did.

16 Q. I believe you testified and correct me
17 if I am wrong that Mr. Sa collected evidence of the
18 cartel. Is that correct?

19 MR. COOPER: Objection to form.

20 A. Correct.

21 Q. Who was this evidence presented to?

22 MR. COOPER: Objection to form.

23 A. Nilton Maia, who is the head of the
24 legal department.

25 Q. Anybody else that you know of who

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2 received the documents that Mr. Sa collected?

3 A. I know because I received information
4 from him that Duque was also aware of this
5 document.

6 Q. By document, you mean a study?

7 A. Yes.

8 MR. COOPER: Objection to form.

9 A. Yes, a large one.

10 Q. Do you know if the audit department
11 received the study that was put together by Mr. Sa?

12 MR. COOPER: Objection.

13 A. No, because the study had been requested
14 by Nilton Maia, and it was delivered to him.

15 Q. Were you present at any of the meetings
16 between Abemi lawyers and Petrobras lawyers?

17 A. No.

18 MR. COOPER: Objection to form.

19 Q. Do you know if Mr. de Castro Sa was
20 present at those meetings?

21 A. No, I don't know.

22 Q. Can you explain how the amendments that
23 the Abemi and Petrobras lawyers agreed upon were
24 harmful to Petrobras?

25 MR. COOPER: Objection to form.

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2 MR. BERMAN: Objection to form.

3 A. For the reasons that I mentioned when we
4 were in favor of the international contract model,
5 they did not want the items that gave flexibility
6 to building companies to be negotiated.

7 Q. Do you recall -- you already testified
8 that Alusa had won the contract for CAFOR. Do you
9 know whether Andrade Gutierrez was one of the
10 contractors that won any contracts in connection
11 with the Abreu Lima refinery?

12 MR. COOPER: Objection.

13 A. I do not remember which project they
14 were involved.

15 Q. But do you recall whether they were
16 involved?

17 A. I don't remember.

18 Q. Is there a document at Petrobras that
19 would show which contractors won contracts in
20 connection with the Abreu Lima refinery?

21 MR. COOPER: Objection.

22 A. Yes, there are.

23 Q. If I wanted to get a copy of the
24 document, where would I go?

25 A. You have to ask for a report made by the

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2 auditing department when contracting at the
3 northeast refinery. You are going to see there who
4 is the winner because it was first bid and then a
5 second bid. You are going to see the connection
6 among the proposal presentations.

7 Q. Do you recall whether many of the cartel
8 members were awarded contracts in connection with
9 the Abreu Lima refinery?

10 MR. COOPER: Objection.

11 MR. BERMAN: Objection.

12 A. You were insisting with the same
13 question. I was not the person in charge of the
14 relationship with the building companies, but I
15 witnessed Queiroz Galvao, Galvao Engenharia and
16 Odebrecht. There are so many companies I am going
17 to make mistakes that I am going to give you a
18 list. A detailed list.

19 MS. GILMORE: Counsel, we request the
20 list that reflects which contract companies
21 have won the bidding in connection with the
22 Abreu Lima refinery. It was not produced.
23 We ask that it be produced immediately.

24 MR. COOPER: For all your requests, put
25 them in writing in a letter after this

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2 deposition. We will consider them.

3 MS. GILMORE: Okay.

4 Q. Ms. da Fonseca, you described or you
5 testified that you have received threats or some
6 other forms of harassment when you were employed at
7 Petrobras. Can you describe for me those threats?

8 MR. COOPER: Objection.

9 MR. BERMAN: Objection.

10 Q. We can take a break if you would like.

11 A. Yes.

12 THE VIDEOGRAPHER: The time is 4:19 p.m.
13 We are going off the record.

14 (Recess taken)

15 THE VIDEOGRAPHER: The time is 4:35 p.m.
16 We are back on the record.

17 MR. COOPER: Also so we don't forget at
18 the end as we do with all of these, we are
19 going to designate the transcript
20 confidential under the protective order, and
21 we don't need to mention it again at the end
22 of the deposition.

23 MR. BERMAN: All pages should be marked
24 as confidential.

25 MR. COOPER: Yes.

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2 MS. GILMORE: That's fine with us.

3 BY MS. GILMORE:

4 Q. Can you explain to me what types of
5 threats you have encountered when you were employed
6 at Petrobras?

7 A. Besides the constant harassment inside
8 Petrobras, I received various different phone calls
9 during the time period when we are reviewing the
10 communication division case. I was also threatened
11 in a neighborhood in Rio called Catete. The threat
12 was actually not with an axe, but with a weapon.
13 It was clear through the phone calls and through
14 the threat that I received in Catete that I was on
15 the wrong side, and they said that with a weapon
16 right against my head. A gun.

17 Q. I want to go over every single threat
18 you received. Let's start with the first
19 threatening phone call that you received if you
20 remember.

21 A. I would not like to go there. I would
22 not like to describe all of them. This happened
23 between October of 2008 and March 2009 as soon as
24 the report was completed and I delivered the
25 report, I took the measures that I needed to take

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2 and one of the reasons was to see if these threats
3 would stop. I linked these threats with what
4 happened with the communications division.

5 Q. Can you tell me why you can't or you
6 can't describe for me each type of threat, each
7 threat that you suffered?

8 A. Because every time I talk about, I feel
9 like I am reliving the whole thing.

10 Q. How does that make you feel?

11 MR. BERMAN: Objection.

12 A. Bad because I thought that when you
13 defend the interests of a company that you would be
14 recognized for it. What happened is that I really
15 lost my professional life and that brought a lot of
16 imbalances in my personal life. That is all.

17 Q. Can you describe a few types of
18 imbalances that you have suffered as a result of
19 the threats from Petrobras?

20 MR. COOPER: Objection to form.

21 A. Yes. After I came back to Brazil from
22 Singapore, I already still in Singapore, the thing
23 was that my daughter and I were diagnosed with
24 depression and I was treated for it in 2014 and
25 2015.

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2 Q. What happened to your marriage as a
3 result of the harassment and threats you received
4 from Petrobras?

5 MR. COOPER: Objection to form.

6 A. My husband, actually I met my husband
7 when I was still working for Petrobras. He had
8 various different agreements with various different
9 divisions of Petrobras including the division where
10 I was working, so one of the threats or
11 retaliations or punishments that they tried to do
12 was say that he was contracted due to the fact that
13 I was working in the executive -- on the executive
14 of the company and what happened is that when we
15 made the relationship public, the contract was
16 discontinued before I married him.

17 The contracts that he had with other
18 different departments were discontinued. He came
19 to Singapore with me. He was not able to stay
20 there. So we ended up separating, and I stayed
21 there alone with my two daughters during three
22 years, give or take.

23 Q. The threatening phone calls you
24 received, can you just give me some examples of
25 what they were saying?

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2 A. You know, what you are doing? You know
3 that you were trampling with big people? You have
4 two daughters. You had better be concerned about
5 that.

6 Q. How did you feel when you were receiving
7 these calls?

8 MR. COOPER: Objection to form.

9 MR. BERMAN: Objection.

10 A. I felt that they wanted me to stop with
11 the internal complaints that I was filing
12 especially because they knew that I was going to
13 dismiss Geovane. When you consider the
14 communications case financially, it is much smaller
15 than the contractors case, the builders case, but
16 if that had been investigated, that practice within
17 Petrobras could have ended. They knew the
18 importance of the case.

19 Q. What would have ended if they knew about
20 the internal complaints in the communications
21 department? You said it would have ended? What?

22 MR. COOPER: Objection.

23 MR. BERMAN: Objection to form.

24 A. The bad practices of approvals, the
25 diversions, overbilling, whatever you want to say.

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2 Q. Do you know if Petrobras wanted those
3 practices to end?

4 MR. COOPER: Objection to form.

5 MR. BERMAN: Objection.

6 A. All I know is that besides the
7 communications case and the RNEST while I had a
8 position as an executive, this would continue.

9 Q. Were you scared when you received those
10 threats?

11 MR. BERMAN: Objection.

12 MR. COOPER: Objection.

13 A. Totally because it would not only
14 threaten me, it threatened me, it would also
15 threaten my daughters.

16 Q. Can you describe for me the time when
17 you had a gun pointed at your head?

18 MR. BERMAN: Objection.

19 A. It was nighttime around 9 to 9:30 p.m.,
20 it was a female friend whose house I used to go to.
21 It was one of the few people that I had any
22 relationships with because I almost never went out
23 in the evenings. The street was somewhat dark. I
24 was inside the car with my husband. As soon as I
25 left her home, they stopped the car.

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2 Interesting thing they came directly
3 towards me and he was driving the car, not me, and
4 as I described, I got out of the car and as they
5 were pointing the gun at me, they said you are on
6 the wrong side, and that was it.

7 Q. How many of them were there?

8 MR. COOPER: Objection.

9 A. It might have been five, but one
10 threatened me.

11 Q. And what made you interpret that threat
12 as having to do with Petrobras?

13 A. Because what would you think? You know
14 what you are doing. You know you are on the wrong
15 side. You know you are touching upon important
16 people.

17 Q. What time was this threat made? The
18 month?

19 A. It was always at night. The phone
20 calls. This was about 9:30 p.m. No, this was at
21 9:30. The phone calls I don't remember because
22 there were many. They were always at night or
23 evenings after I would come home from work.

24 Q. Do you remember which months these
25 threats were made?

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2 A. No. I remember that it was during this
3 time period.

4 Q. By that, which time period again?

5 A. October/November 2008 until March of
6 2009, and I don't remember after this when it was.

7 Q. Did you tell anybody about these
8 threats?

9 MR. COOPER: Objection.

10 A. Yes, I did.

11 Q. Who?

12 A. At the company I told Fernando and this
13 female friend of mine she saw how I felt after
14 that, but I didn't want to talk about it because I
15 didn't want my daughters to find out but I think
16 they ended up finding out.

17 Q. How?

18 A. I was late at night speaking with
19 someone over the phone and my eldest daughter ended
20 up listening to it.

21 Q. When you had the gun pointed at your
22 head, did anybody rob you?

23 A. No. There was a robbery at the same
24 spot and actually they took the car on that robbery
25 and I filed a complaint about it.

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2 Q. But when you were threatened?

3 A. No.

4 Q. Can you give --

5 A. No.

6 Q. Nobody tried to rob you at the time?

7 A. No.

8 Q. They just threatened you?

9 A. Yes.

10 Q. Can you tell me about the instance when
11 I believe your secretary or assistant was found
12 dead? Do you recall testifying as to that?

13 MR. COOPER: Objection as to form.

14 A. I was already in Singapore. She was my
15 assistant, Rita, her name. That is when I found
16 out that she died.

17 Q. What happened to Rita?

18 A. She was coming home and she was shot.

19 Q. Do you know?

20 MR. BERMAN: Objection.

21 A. No.

22 Q. Did she have information about the
23 irregularities at Petrobras?

24 MR. BERMAN: Objection.

25 MR. COOPER: Objection to form.

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2 A. Yes, she did.

3 Q. Do you remember when she was killed?

4 A. I was in Singapore already. I don't
5 remember.

6 Q. You don't remember if it is 2009 or 10?

7 A. No. Well, I went to Singapore in 2010,
8 but I don't remember.

9 Q. Do you remember who killed Rita? Do you
10 know who killed Rita?

11 MR. COOPER: Objection.

12 A. No. I did not follow up after that.

13 Q. Tell me about the time that you were
14 exiled in Singapore. What happened?

15 MR. COOPER: Objection to form.

16 A. I went to Singapore in 2010. In the
17 beginning I started to go to the Petrobras office
18 there on a regular basis and then after ten to 12
19 days they took away my phone and then they took
20 away my computer and I asked the office manager
21 what was going on and she said Paulo Roberto said
22 that I wasn't there to work, that since I had been
23 wanting to study something I just look for
24 something to study there.

25 Q. Was that true? Was it true that you

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2 went to Singapore of your own volition?

3 MR. COOPER: Objection to form.

4 A. No, what happens is that during two
5 periods, different periods that I worked with him,
6 I asked him for leave so that I could study, but
7 not at that time.

8 Q. Why were you sent to Singapore?

9 MR. COOPER: Objection.

10 A. I am going to repeat Duque's words to
11 me. Leave her there. Leave her there for ten
12 years preferably for her whole life so she stops to
13 be a hinder to us.

14 Q. Did Duque say these words to you?

15 A. He spoke that at a party, and I
16 contacted Paulo Roberto and said that I would not
17 stay there for that period of time and that same
18 evening Renato Duque called me and said that he had
19 been drinking a bit and had exaggerated his words.

20 Q. Do you believe that?

21 A. No.

22 Q. And who else participated in the
23 decision to exile you to Singapore?

24 MR. COOPER: Objection.

25 MR. BERMAN: Objection.

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2 A. All the members of the executive board.

3 Q. Can you name them again for me.

4 A. Graca Foster, Renato Duque, Zelada,
5 Gabrielli, Estrella, Barbassa, Paulo Roberto.

6 Q. You testified when you arrived in
7 Singapore in October 2010 Petrobras took away your
8 phone and your computer?

9 A. It was in January of 2010.

10 Q. I'm sorry. January 2010. What did you
11 do upon arrival?

12 A. I went to look for a course. I could
13 not get into the office anymore.

14 Q. What do you mean you couldn't get into
15 the office?

16 A. Because the office's general manager
17 told me that I wasn't to go anymore.

18 Q. Did he tell you why?

19 A. Because Paulo Roberto didn't want me to
20 have contact with the business anymore. In other
21 words, he didn't want me to get any more
22 information.

23 Q. Why do you think they wanted you away
24 from Petrobras?

25 MR. COOPER: Objection.

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2 A. Because I was one of the few people who
3 besides filing complaints I would record them.

4 Q. Record them meaning have a video or
5 audio recording?

6 A. No, by e-mails, documents,
7 presentations. I was one of the few people.

8 Q. And you testified that you kept copies
9 of all these documents?

10 A. Yes.

11 Q. So how long were you exiled to Singapore
12 for?

13 MR. COOPER: Objection.

14 A. The first time was two years and two
15 months, and then they transferred me back to
16 Brazil. I was at an office for five months not
17 doing anything, and then I went back to Singapore
18 and stayed another two and a half years because
19 Cosenza, the officer at that time because he said
20 that I wasn't really welcome within Petrobras'
21 board and that happened in 2012. They sent me back
22 to Singapore to be office manager. They had a
23 trading office which was not my expertise at all.
24 Absolutely not.

25 Q. Let's talk about the time when you were

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2 back in Brazil after your first exile. What did
3 you do at Petrobras then?

4 MR. COOPER: Objection to form.

5 A. I went back to Brazil. I was put into
6 the position of head of marketing and business. I
7 contacted at that time the executive manager was
8 Raimundo Brendao. He showed me an office which was
9 on the side, executive side, and I never again
10 received any instructions regarding work.

11 Q. So Petrobras kept you in an office for
12 about six months with no work?

13 MR. COOPER: Objection.

14 A. Correct.

15 Q. How did you feel?

16 MR. COOPER: Objection.

17 MR. BERMAN: Objection.

18 A. Like a person who had done something
19 very wrong.

20 Q. You felt punished?

21 MR. COOPER: Objection.

22 MR. BERMAN: Objection.

23 A. Of course.

24 Q. What happened after the six months that
25 you were in an office at Petrobras with no

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2 assignment?

3 A. Cosenza told me that I could not stay at
4 Petrobras' headquarters. They tried to get me to a
5 company that was not part of the system. I was
6 hesitant because I would have to get a leave of
7 absence from Petrobras. I was concerned that they
8 would create a situation where I would not be able
9 to go back later on. I remember that I went to
10 Cosenza's office. At that time he was an officer.
11 He said I wasn't welcome. He said the union was
12 against my working at headquarters. I asked why.
13 He answered that this had happened during the time
14 when he was not yet an officer. To make a story
15 short, what happened is that I went back to
16 Singapore because I couldn't stay in an office
17 without doing anything anymore.

18 Q. When you returned back to Brazil, what
19 was your position again? I'm sorry. To Singapore
20 for the second time.

21 A. I was office general manager.

22 Q. Can you describe generally what your
23 responsibilities were in that position?

24 A. The office was in charge of oil trading
25 and other different fuels. Petrobras used to

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2 export oil to China and had other clients. We had
3 a large business involving fuel oil in bunkers,
4 which is ship fuel.

5 Q. How long were you exiled to Singapore
6 the second time for?

7 MR. COOPER: Objection.

8 MR. BERMAN: Objection.

9 A. Two and a half years.

10 Q. And then what happened?

11 A. I found a series of noncompliances
12 there.

13 Q. We are going to get into that later
14 today. Can you tell me whether at some point you
15 learned that you were no longer or you were demoted
16 from your position at Petrobras?

17 A. In Singapore?

18 Q. Yes.

19 MR. BERMAN: Objection.

20 A. I found out through the media.

21 Q. Can you tell me what happened?

22 A. They created a committee to investigate
23 RNEST, and the goal was clearly to investigate
24 agreements signed by RNEST. I went to provide
25 testimony to this committee, and I questioned why I

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2 was being summed up, and they mentioned, they
3 answered that they wanted to find out about RNEST's
4 history and I provided testimony that focused
5 mostly on economic evaluation which was my
6 specialty and they actually pointed out that there
7 were noncompliances in the area of service
8 contracting.

9 Petrobras had a practice and still does
10 which is joint signatures on documents. I will
11 give you an example. Let's say that the service
12 division is going to contract a company. The
13 business division that is going to receive the
14 asset will sign jointly because it owns the budget
15 so the document contained information about
16 economic evaluation which I already mentioned here
17 and the contracting process or procedures
18 themselves, so, you know, since I saw some
19 inconsistencies I added a new paragraph saying that
20 each one was responsible for their own division
21 even though that was within the bylaws or the basic
22 planning documentation of Petrobras. Remove
23 bylaws. By nature. I was demoted because I signed
24 DIPs jointly with Barusco that were about
25 contractors and I had to write about economic

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2 evaluations. They also mentioned that the park
3 was -- the refinery anticipation plan had been sent
4 by me. As far as I remember, that was it.

5 MS. GILMORE: Exhibit 14.

6 (da Fonseca Exhibit 14, RNEST final
7 committee report, was so marked for
8 identification, as of this date.)

9 Q. Ms. da Fonseca --

10 MR. BERMAN: Has this document been
11 produced?

12 MS. GILMORE: They were required to.

13 MR. COOPER: This has been produced.

14 MR. BERMAN: Okay.

15 Q. Ms. da Fonseca, do you recognize this
16 document?

17 A. It is the RNEST final -- RNEST final
18 committee report.

19 Q. Do they include findings as they apply
20 to you?

21 A. There are non-compliances here listed.

22 Q. What kind of non-compliances?

23 MR. COOPER: Objection to form.

24 A. One second, please. The refinery
25 anticipation plan. They said that I did not send

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2 the strategy for contracting services and
3 equipment. Just to remind you that the PAR was
4 requested by Paulo Roberto which is written here.
5 He mentions that I did not send the contract
6 strategy for equipment and services, but that was
7 not under my responsibility. That I jointly was
8 responsible with Barusco for the signing of bidding
9 procedure documents, and I think that was it.

10 Q. So do you believe that Petrobras'
11 attempt to blame misconduct on you is wrong?

12 MR. COOPER: Objection to form.

13 A. Yes, I think they were completely wrong.

14 Q. Explain why?

15 A. As I mentioned, these procedures that
16 they mention they were not under my responsibility.
17 I'm not the one who is saying it. The basic
18 organization plan says what my responsibilities are
19 and aren't. All executive managers who had bidding
20 with the engineering department signed documents.
21 What I had to do according to the PAR I abided by
22 which was to create the company.

23 So I think they did that in an attempt
24 really to get me away, to intimidate me, so that I
25 would not be involved in the investigation of those

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2 facts. If you read the whole report you are going
3 to see that they do not mention anything about
4 economic evaluation.

5 Q. What should they have mentioned?

6 MR. COOPER: Objection.

7 A. Yes, that was what was asked during the
8 testimony that none of these things were
9 questioning me, none of these things were
10 questioned during my testimony.

11 Q. Which things to clarify for the record?

12 A. Service contracting. This was not
13 addressed. The focus was basically the economic
14 evaluation.

15 Q. But did you want to give information and
16 aid in the preparation of this report or in the
17 preparation of this report so that it would
18 accurately reflect information?

19 MR. COOPER: Objection to form.

20 A. Definitely.

21 Q. And Petrobras didn't permit you to
22 testify or provide information with respect to the
23 irregularities that you had found?

24 MR. COOPER: Objection.

25 A. Let me see. The objectives are here.

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2 The problems at contracting usually happen with the
3 amends to contracts and this report only addressed
4 contracting, not the amends. Why?

5 Q. Can you tell me in terms of the
6 amendments what should have been reflected?

7 MR. COOPER: Objection to form.

8 A. It is in the amendments that you see the
9 amounts in the contracts go up. Let's say a
10 project starts at 100 and it ends at 300.

11 Q. If you know, do you know how much these
12 amendments contributed, if you can give me a dollar
13 or an amount in reais?

14 MR. COOPER: Objection to form.
15 Foundation.

16 A. I only was part of it in the beginning
17 of the process which was at contracting, partly at
18 contracting and these amendments were generated
19 after that. I was part of one contract which was
20 earth work and the amendments were negotiated by
21 the engineering division and many times we were not
22 aware of them.

23 Q. The amendments that contributed to --
24 the amendments contributed to Petrobras paying more
25 on contracts?

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2 MR. COOPER: Objection.

3 MR. BERMAN: Objection.

4 A. Most of them, yes. Some of them are
5 deadlines.

6 Q. Were a lot --

7 A. But most of them were.

8 Q. Were these amendments the result of
9 Petrobras' relationship with the cartel?

10 MR. COOPER: Objection.

11 MR. BERMAN: Objection.

12 A. It may be.

13 Q. With respect to Alusa, did Petrobras pay
14 more as a result of Petrobras' insistence that it
15 contract the CAFOR project to Alusa?

16 MR. COOPER: Objection.

17 MR. BERMAN: Objection.

18 A. I did not follow up when it comes to
19 execution, but upon signing, signing, the amounts
20 were much higher than what was forecasted.

21 Q. How much higher if you remember?

22 MR. COOPER: Objection.

23 A. 272 percent.

24 Q. Do you know how much in terms of money
25 that means?

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2 A. 900 million, so 200 of 900, something
3 like that.

4 Q. Ms. da Fonseca, do you know why officer
5 Costa left in 2012?

6 MR. COOPER: Objection.

7 MR. BERMAN: Objection.

8 A. That is one question that I made to him.
9 There were two comments about his leaving, that he
10 was competing with Graca Foster about being CEO and
11 that Foster did not want him at the company
12 anymore, and the other comment was that they had
13 found out about something that he had done. The
14 day he left I asked to go to his office, because I
15 wanted to know the reasons. I wanted to understand
16 a bit more about that situation. I knew that there
17 was something to do with what we are talking about
18 here today, but I wasn't sure.

19 I went to his office, but Paulo Roberto
20 at that moment was not there. He refused to tell
21 me why he was leaving, and I left in the same way
22 that I went in, with a question mark, but I believe
23 that, if the reason was Graca, he would have told
24 me.

25 MR. BERMAN: Objection. Move to strike

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2 as non-responsive.

3 Q. Do you believe that the reason he left
4 was because Graca found out -- because Graca found
5 out about something he did?

6 MR. COOPER: Objection.

7 MR. BERMAN: Objection. Leading.

8 A. I'm not sure if it was Graca or if they
9 already had anything about this investigation. I
10 do not know.

11 Q. Did Costa want to leave?

12 MR. COOPER: Objection.

13 Q. Or was he fired?

14 MR. BERMAN: Objection.

15 A. No, he was fired, and he was actually
16 angry because, besides being demoted from his
17 position as an officer, he said that they asked him
18 to ask to leave.

19 Q. So basically they fired him but asked
20 limb to resign? Is that what you are trying to
21 say?

22 MR. COOPER: Objection.

23 A. Yes.

24 Q. When was he demoted?

25 MR. COOPER: Objection.

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2 A. I think it was February of 2012 because
3 I was working at Petrobras at that time.

4 Q. Do you know why he was demoted?

5 A. No.

6 Q. Are you aware of his involvement with
7 what is called the sand castle operation?

8 MR. COOPER: Objection.

9 A. I'm not aware, but I heard something
10 about it. I wasn't sure, but we would hear things
11 about it.

12 Q. What would you hear?

13 MR. BERMAN: Objection.

14 A. That there were problems with earth
15 works contracts. It was being investigated at that
16 time, but I don't know why the investigation seemed
17 to me that it was interrupted.

18 Q. Do you know who interrupted it?

19 A. No.

20 Q. Are you aware that during the time Mr.
21 Costa was involved in a distribution of money to
22 mayors?

23 MR. COOPER: Objection.

24 A. Like any other employee, I heard that
25 within the hallways of the company.

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2 Q. Who was talking about that?

3 MR. COOPER: Objection.

4 A. Employees generally.

5 Q. Any examples?

6 A. No, not specifically.

7 Q. Was there a time that Mr. Duque left

8 Petrobras?

9 A. Yes.

10 Q. Do you know when?

11 A. I think it was around that same time.

12 Sometime after.

13 Q. Around 2012?

14 A. Yes.

15 Q. Do you know why Mr. Duque left

16 Petrobras?

17 MR. COOPER: Objection.

18 A. No.

19 Q. Do you know if he was fired?

20 MR. COOPER: Objection.

21 A. I don't know. Maybe. I don't know.

22 Q. Are you aware that Mr. Zelada left

23 Petrobras in 2012?

24 A. I'm not sure or I don't remember if it

25 was in the first half of the year, but I do

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2 remember that Graca replaced Zelada.

3 Q. Do you know why?

4 A. No, but that was unusual.

5 Q. Why was it unusual?

6 MR. COOPER: Objection.

7 A. A CEO replacing an officer for such a
8 long time.

9 Q. Who was that CEO that replaced the
10 officer?

11 A. Graca Foster replacing an international
12 division officer. I had never heard of that.

13 Q. Who took Zelada's place?

14 A. Graca did.

15 Q. Do you know why Gabrielli left in 2012?

16 A. According to what we heard, he did not
17 have a good relationship with Dilma, and Dilma had
18 a good relationship with Graca.

19 Q. You talked about some irregularities in
20 the earth work contracts. Can you describe those
21 for me, please.

22 A. What happened is that the engineering
23 division created a report speaking about the
24 progress of the earth works contract saying that
25 everything was okay and individuals who were

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2 working in my division were following up with the
3 budget and they said that what had been reported
4 was completely wrong, so I asked for a complete
5 report with photographs and documents with
6 information about why the contract was not going
7 the way it should.

8 That was then. There was evidence that
9 whatever had been paid had not been delivered or if
10 it was delivered, it was not a good job and had to
11 be redone. This report was then sent to officer
12 Paulo Roberto Costa. I sent it to Paulo Roberto as
13 well as to Paulo Barusco by e-mail. Pedro Barusco,
14 not Paulo. And nothing had been done.

15 Q. What did your e-mail say?

16 A. The e-mail had the report attached that
17 showed the photos and documentation to show that
18 the work had not been done.

19 Q. Do you recall the dates when you sent
20 that e-mail to Costa and Barusco?

21 A. I think it was 2007, but I don't
22 remember exactly.

23 Q. Do you recall the contractors performing
24 the supposed services related to earth work
25 contract?

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2 A. I was not in charge of that
3 relationship. I was not a contract manager so I
4 didn't have a way to do it directly. That is why I
5 informed the officer and the head of the
6 engineering division.

7 Q. Did you also inform Mr. Cosenza?

8 A. Also.

9 Q. Can you clarify for the record who Mr.
10 Cosenza was?

11 A. I informed Mr. Cosenza because at the
12 time he was going to receive the refinery because
13 at that time he was the head of the refining
14 division.

15 Q. And what, if anything, did Mr. Cosenza
16 say in response?

17 A. He did not respond.

18 Q. Was it unusual?

19 A. When there was a problem, yes.

20 Q. Why do you think he didn't respond?

21 MR. COOPER: Objection.

22 A. It might have been because he did not
23 want to get involved with the case.

24 Q. Do you know who else from engineering
25 was involved in the earth works contract?

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2 A. No.

3 Q. Do you know if the board of directors --
4 board of executive officers at the time was
5 informed about the problems with the earth works
6 contracts?

7 MR. COOPER: Objection.

8 A. They had to approve the amendments, but
9 I do not believe that they had received the report.

10 Q. Can you describe for me the amendments
11 that you said the board had to approve with respect
12 to the earth works contract?

13 A. When there is an amendment that goes
14 back to the executive board. What happened in that
15 case is that a few amendments were negotiated with
16 the contractor but they did not, they were not
17 submitted, not as far as I know.

18 Q. Submitted to whom?

19 A. To the executive board.

20 Q. And do you recall which contractor that
21 was?

22 MR. COOPER: Objection.

23 A. It might have been Odebrecht, but I'm
24 not sure.

25 Q. Is there a document that would show who

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2 the contractors were with respect to the earth
3 works contracts?

4 A. Yes. The document that I already
5 informed you about.

6 Q. And you have a copy of that document?

7 A. I believe so.

8 MS. GILMORE: Let's take a quick break.

9 THE VIDEOGRAPHER: The time is 5:38 p.m.
10 We are going off the record.

11 (Recess taken)

12 THE VIDEOGRAPHER: This marks the
13 beginning of videotape number 5. The time
14 is 5:58 p.m. We are back on the record.

15 BY MS. GILMORE:

16 Q. Ms. da Fonseca, other than the
17 irregularities that you testified about in
18 connection with the communications department and
19 the Abreu Lima refinery, during your employment at
20 Petrobras, did you become aware of any other
21 irregularities?

22 A. When I was in Singapore, I discovered
23 and I reported some irregularities regarding
24 business logistics and trading .

25 Q. Before we go to Singapore, I just want

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2 to stay right for you with Brazil. In terms of
3 Brazil, were there any other irregularities that
4 you encountered while you were in Brazil?

5 A. No.

6 Q. Have you encountered any irregularities
7 with respect to SBM?

8 A. No.

9 Q. Okay. Let's mark this as Exhibit 15.

10 (da Fonseca Exhibit 15, e-mail dated
11 December 3, 2008 from Ms. da Fonseca to
12 Paulo Roberto Costa at Petrobras, was so
13 marked for identification, as of this date.)

14 Q. Ms. da Fonseca, do you recognize this
15 document as an e-mail you sent on December 3 to
16 Paulo Roberto Costa at Petrobras?

17 A. December, I don't think it was December.
18 I think it was before. No, it was December.

19 Q. December 3, 2008?

20 A. Yes.

21 Q. Can you explain this document, please.

22 A. This e-mail addresses irregularities in
23 the communications division. It describes evidence
24 regarding irregularities found and proposes
25 auditing based on the procedures regulations of the

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2 company.

3 Q. And the irregularities are described
4 where in this document?

5 MR. COOPER: Objection.

6 A. Right here. Number 5 on the note.

7 Q. Who is Jose Roberto Kaschel Vieira?

8 A. He was the head of the division
9 connected to the communications division.

10 MR. BERMAN: Just to preserve the
11 record, we reserve the right to object to
12 anything in this document. I assume it is
13 an internal translation, so we reserve the
14 right to object to anything in this
15 translation.

16 MS. GILMORE: That's fine.

17 Q. Can you tell us why did Mr. Kaschel send
18 you this note?

19 A. He was a general manager, and in our
20 views these irregularities were serious, so they
21 should be addressed by the appropriate divisions of
22 the company.

23 Q. Do you remember what Mr. Costa replied
24 to you about this?

25 A. Yes, I do remember.

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2 Q. What did he say?

3 A. He told me to speak to Geovane to tell
4 him to stop what he was doing and that was it.

5 Q. Did Geovane stop what he was doing?

6 MR. COOPER: Objection.

7 Q. If you know.

8 A. What happened is that he was demoted.
9 So he stopped that.

10 Q. Okay. Let's go to the next one.
11 Exhibit 16.

12 (da Fonseca Exhibit 16, e-mail dated
13 December 12, 2008, was so marked for
14 identification, as of this date.)

15 Q. Ms. da Fonseca, do you remember
16 receiving this e-mail from the watchdog on
17 December 12, 2008?

18 A. Yes, I do.

19 Q. Do you know who the watchdog is?

20 A. No.

21 Q. Is this the first time you received this
22 kind of e-mails?

23 A. I received two. This one and another
24 one. I don't remember exactly, but I think it was
25 around that same time, and I think it was

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2 addressing the same subject, but the other one
3 contains an accusation against me which this one
4 doesn't. Actually it was 2007. It stated that I
5 had married at that time and that the ceremony had
6 been paid by Petrobras, but this one is more
7 specifically addressing the officers and the
8 lobbyists who were involved.

9 Q. Were you surprised by what the watchdog
10 was describing in this e-mail?

11 MR. BERMAN: Objection.

12 A. I usually do not pay much attention to
13 anything that is anonymous. Usually because when
14 it comes, it has no evidence, it talks about
15 things, but there is no evidence. I haven't read
16 that since those days, but reading now again I can
17 see that they knew what they were talking about.
18 Definitely we talked, discussed this in our
19 executive meeting. He sent it to all the executive
20 board members, sent to the officers, even to
21 Transpetro's CEO, but I only remember the
22 discussion regarding the e-mail.

23 Q. Do you know if any investigation was
24 conducted to verify the accusations in this e-mail?

25 A. I don't know.

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2 Q. I want to go over each of these names
3 just to know who they are and whether they are
4 still employed at Petrobras. So let's start with
5 the first one. Nederluc? Do you know who that is?

6 A. I don't recall.

7 Q. Venina, that is you. Do you know who
8 Agenor is?

9 A. Agenor was Transpetro's officer.

10 Q. Do you know if he is still employed at
11 Transpetro?

12 A. No.

13 Q. Who is R.C. Torres?

14 A. I don't know.

15 Q. What about DABAST?

16 A. That was Paulo Roberto Costa. DABAST
17 means supply officer.

18 Q. What about Sergio Quintao?

19 A. I don't remember if he was an assistant.
20 He sounds familiar, but I don't recall.

21 Q. Do you know if he is still employed at
22 Petrobras?

23 A. I believe he was a CFO of PNBV. Today
24 he is living in China. I think he was. I'm not
25 sure.

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2 Q. What is PNBV?

3 A. Petrobras Netherlands.

4 Q. What about Djalma Souza?

5 A. He was general, head of the
6 petrochemical division or is it a company? Yes.
7 He was head of petrochemical.

8 Q. What about Claudete Leao?

9 A. She was Paulo Roberto's secretary.

10 Q. I'm sorry. Is Mr. Souza still at
11 Petrobras?

12 A. No. Retired.

13 Q. What about Claudete Leao?

14 A. She still works for Petrobras. She is
15 the former secretary for the officer.

16 Q. What about Salles? Do you know who
17 Salles is?

18 A. I don't recall, but that name is
19 familiar to me as well.

20 Q. What about Aguiar?

21 A. I don't know.

22 Q. Sheila at Transpetro?

23 A. I don't know either.

24 Q. Claudio Campos?

25 A. He was manager of Transpetro, and then

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2 he was manager of Petrobras, and I believe today he
3 is still at Petrobras.

4 Q. What about Latge?

5 A. I think he was the assistant of some
6 officer.

7 Q. Do you know if he is still employed at
8 Petrobras?

9 A. No.

10 Q. Carlos Rosa?

11 A. I don't know who that person is.

12 Q. Ana Vitoria?

13 A. Ana Vitoria was my assistant during a
14 period of time, and then she went to work for
15 environment, and she still works at Petrobras.

16 Q. What about Sergio Machado?

17 A. He was CEO of Transpetro for many years,
18 but he is no longer there.

19 Q. Who is on top Norberto Andrade Camargo?

20 A. It is the first name of a few building
21 contractors.

22 Q. From Camargo?

23 A. Camargo Correa.

24 Q. You forwarded this e-mail from the
25 watchdog to Jose Carlos Cosenza, Paulo Cezar Amaro

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2 Aquino and Francisco Pais. Who is Paulo Cezar
3 Amaro Aquino?

4 A. He was executive manager of
5 petrochemical.

6 Q. Why did you forward this e-mail to them?

7 A. I think because they were not cc'd.

8 Q. Other than these people that you
9 forwarded the e-mail to, do you recall forwarding
10 this e-mail to anybody else?

11 A. I don't remember.

12 Q. Okay. We can put that away. Exhibit
13 17.

14 (da Fonseca Exhibit 17, e-mail dated
15 January 16, 2009 from Ms. da Fonseca to
16 Paulo Roberto Costa, was so marked for
17 identification, as of this date.)

18 Q. Ms. da Fonseca, do you recognize this as
19 an e-mail you sent on January 16, 2009 to Paulo
20 Roberto Costa?

21 A. Yes.

22 Q. I want to ask you a few questions about
23 some of the language that you use in this e-mail.
24 Let's go on page 2, the last paragraph on the
25 bottom. I am looking at the English. "The last

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2 time I have experienced difficult moments. I daily
3 encounter situations that create a great moral
4 conflict." Something to that effect.

5 MR. COOPER: Objection to the
6 translation.

7 MR. BERMAN: Where are you reading?

8 MS. GILMORE: The English, second page
9 on the bottom.

10 MR. COOPER: Which paragraph?

11 MS. GILMORE: The last one.

12 Q. Can you tell me what you said? Because
13 they are objecting to the English translation, can
14 you tell me what you wrote in Portuguese if you can
15 say it in English or you can tell her.

16 A. Here I was mentioning more specifically
17 the communications division issue. With that
18 specific issue they wanted everything to be done
19 going against company procedures. That is not what
20 I did. This e-mail was in the middle of January
21 2009 so it was close to the time of sending the
22 e-mail about the communications issue. The
23 investigation hadn't been completed yet, but we
24 knew that there was a lot of wrongdoing. So this
25 paragraph is about that.

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2 Q. Who called you a coward?

3 MR. COOPER: Objection.

4 A. Paulo Roberto did.

5 Q. Who told you to abandon the boat?

6 A. Paulo Roberto Costa.

7 Q. And what was the other expression that
8 he used?

9 A. To pressure me. Paulo Roberto Costa.

10 Q. You also wrote towards the end that,
11 when you worked at ABAST, you grew to perfectly
12 understand the political context of our business.
13 Can you explain that for me, please.

14 A. I meant that I knew that officers were
15 appointed by the government or individuals within
16 the government, but that there is a limit to
17 anything.

18 Q. And you knew at the time that the
19 appointees, the executives that are appointed by
20 the government were giving money away to the
21 government from Petrobras' pocket?

22 A. No, not giving bribes away, but adopting
23 practices and measures that went against the best
24 interests of the company.

25 Q. And can you describe -- you refer to

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2 this as a risky situation?

3 MR. COOPER: Objection.

4 A. Because I thought that whatever had to
5 be done had to be done according to the company's
6 procedures, and what they wanted to do was to hide
7 dirt under the rug, in that case, related to the
8 communications division.

9 Q. Did Mr. Costa respond to your e-mail?

10 A. He did not respond. He called me.

11 Q. What did he say if you remember at the
12 time?

13 A. I do remember. He said that I didn't
14 have the appropriate profile to occupy my position,
15 that I was overly skilled technically, but not
16 flexible enough.

17 Q. Did you send this e-mail to anybody
18 else?

19 A. I don't recall.

20 Q. You can put that away.

21 MS. GILMORE: One has an official
22 translation. Exhibit 18.

23 (da Fonseca Exhibit 18, e-mail dated
24 October 7, 2011 from Ms. da Fonseca to Ms.
25 Graca Foster, was so marked for

1 da Fonseca - Confidential

2 identification, as of this date.)

3 Q. Ms. da Fonseca, do you recognize this
4 e-mail as an e-mail you sent in October, October 7,
5 2011 to Ms. Graca Foster?

6 A. Yes.

7 Q. Why did you send that e-mail to Graca
8 Foster?

9 A. Because my assignment if Singapore was
10 almost completed. I was not able to communicate
11 with Paulo Roberto at Petrobras, so one more time I
12 went to ask for help.

13 Q. You said one more time. Did you go to
14 ask Ms. Graca Foster for help before you sent that
15 e-mail?

16 A. When I mentioned about the
17 communications issue.

18 Q. Was it just one e-mail that I showed you
19 or there were more e-mails?

20 A. No, just that one.

21 Q. Tell me what you were trying to
22 accomplish by sending Ms. Foster this e-mail?

23 A. As I mentioned, my assignment in
24 Singapore was close to an end and I didn't have any
25 information as to if I was going back, where I was

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2 going back to, so the e-mail was an attempt to find
3 out if she could help me and I was afraid to go
4 back and find the same environment that I had
5 before I left which were of threats. I was
6 concerned about the information that I had and I
7 felt that I had to share that in one way or
8 another. That is why I contacted her.

9 Q. What information did you have that you
10 were concerned about?

11 A. Everything that we address here today
12 such as persisting with the documents, e-mails and
13 the notes that seemed that some things were wrong.

14 Q. And you wrote here that you are almost
15 alone at the company. Can you explain what you
16 meant by that?

17 A. The same situation that I am nowadays.
18 The division that I was connected to wouldn't give
19 me any support or information for two years. I had
20 been demoted. That is why I really felt alone.

21 Q. You also wrote instead of the great
22 pride I felt for my company, I am now ashamed. Can
23 you tell me what you meant by that?

24 A. My first job ever in my life was at
25 Petrobras and everything that I have and have ever

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2 had comes from the salary that I was paid at
3 Petrobras. The role of the company as having
4 social responsibility was always a source of pride
5 to Brazilian citizens and I found out that the
6 board was really able to hurt this company that had
7 a role that was a good company and nowadays the
8 employees are ashamed of the company.

9 Q. And by the board, you mean the board of
10 executive officers and the board of directors?

11 MR. COOPER: Objection.

12 A. Both.

13 Q. And you wrote, I am evaluating some
14 alternatives despite the risks to me and my
15 daughters. What did you mean by that?

16 A. At that time I already wanted to report.
17 I wanted to give it to hands outside of Petrobras,
18 but I was afraid. I became afraid.

19 Q. Who did you give it to?

20 A. To someone who could use that
21 information and investigate appropriately. At that
22 time we didn't have Moro, the prosecutor.

23 Q. Why were you afraid to give this
24 information to somebody outside the company who
25 could properly investigate it?

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2 MR. COOPER: Objection.

3 A. Because I already had this information.
4 In some way it had already gone around the company,
5 and nothing had been done.

6 Q. You also said that you would like to
7 show Ms. Foster part of the documents and you know
8 that she was aware of part of them. What did you
9 mean by that?

10 A. She was aware of part of the
11 documentation such as the case with the
12 communications division. I didn't know to what
13 point. All I knew is what she knew that the board
14 was involved in all the other problems, but I
15 wasn't sure if she had full knowledge of the
16 issues.

17 Q. How did you know that she knew that the
18 board was involved in all the problems?

19 MR. COOPER: Objection to form.

20 A. Because all the documents were submitted
21 to the board, the executive board, and they ended
22 up being approved.

23 Q. And these are the documents that you
24 testified about earlier today?

25 A. Correct.

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2 Q. Did Ms. Graca Foster respond to the
3 e-mail?

4 A. No.

5 Q. Were you surprised that she didn't
6 respond?

7 A. No.

8 Q. Why not?

9 A. Because she had not responded to the one
10 about communications, but I made the attempt even
11 though I didn't think I would have any success.

12 Q. Was this the last time you contacted Ms.
13 Foster?

14 A. No.

15 Q. When else did you contact her?

16 A. When she was CEO. I think it was
17 November. You know, when everything that I already
18 described occurred when I was demoted from my
19 position and I wrote a report about everything that
20 I had found out during my assignment in Singapore,
21 the executive managers connected to me were already
22 aware of them, but I didn't know if she really knew
23 about what was going on.

24 Q. Did you send this report to Ms. Graca
25 Foster?

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2 A. Yes, I did.

3 Q. What was the date when you sent the
4 report? Do you recall?

5 A. Either November or December of 2014. I
6 think it was November.

7 Q. We can put that away. Exhibit 19.

8 (da Fonseca Exhibit 19, e-mail dated
9 November 21, 2014 from Ms. da Fonseca to Ms.
10 Graca Silva Foster, was so marked for
11 identification, as of this date.)

12 MR. COOPER: How much time have we been
13 on?

14 THE VIDEOGRAPHER: Six hours and 26
15 minutes.

16 Q. Is that an e-mail that you sent on
17 November 21, 2014 to Ms. Graca Silva Foster?

18 A. It was one of the e-mails.

19 Q. You sent her more than one e-mail on
20 that date?

21 A. Oh, no. November, I think.

22 Q. Why did you send her this e-mail?

23 A. Because I wasn't sure if she agreed or
24 if she was aware that I had been demoted from my
25 position.

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2 Q. And you wrote to her that you have
3 witnesses of your action against, of actions
4 against illegal acts. Can you explain who are
5 these witnesses?

6 A. Here I mention RNEST, the documents that
7 I had submitted informing of the unfeasibility and
8 here, when I mention witnesses, I was speaking
9 about persons who were working directly with me.

10 Q. And who were they?

11 A. Fernando de Castro Sa, Wilson Guilherme,
12 who was project manager. I think these are the key
13 individuals.

14 Q. We can put that away. Earlier today you
15 testified about other people who suffered
16 harassment from Petrobras when they tried to expose
17 the illicit acts that were happening at Petrobras
18 and you gave a few names, and I wanted to go back
19 to make sure those are all the names that you can
20 recall or if you have more, to let me know.

21 MR. BERMAN: Objection.

22 Mischaracterizes the testimony.

23 Q. I believe you mentioned Alusa from HR.

24 A. Not Alusa.

25 Q. Can you tell me again who these people

1 da Fonseca - Confidential

2 are?

3 MR. BERMAN: Objection. Asked and
4 answered.

5 A. Fernando Sa. I spoke about an attorney,
6 I don't remember whom, who refused to provide a
7 legal opinion about the purchase of Pasadena.

8 Q. Can you tell me the circumstances if you
9 know of this attorney's refusal to give a legal
10 opinion on Pasadena?

11 A. The purchase of Pasadena was very
12 problematic, and generally speaking he did not
13 agree with the premises of those negotiations. He
14 refused, and then he was pressured. He got into a
15 state of depression, so he was on leave of absence
16 for a while, and then he himself asked to be
17 dismissed because he couldn't take the pressure.

18 Q. Do you know who pressured him?

19 MR. COOPER: Objection.

20 A. No.

21 Q. How do you know that this attorney
22 refused to give a legal opinion on Pasadena?

23 A. Because the attorneys would mention
24 about it. This case was well-known among them.

25 Q. Do you recall what year this was?

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2 A. 2006? The purchase of Pasadena, I'm not
3 sure.

4 Q. But the discussions about the attorney's
5 refusal to give a legal opinion?

6 A. It was around the same time.

7 Q. 2006?

8 A. I don't recall.

9 Q. Do you know if this person's name is
10 Tales Miranda?

11 A. Correct.

12 Q. Is Mr. Miranda still employed at
13 Petrobras? I think you said no.

14 A. No.

15 Q. How was he harassed?

16 MR. COOPER: Objection to form.

17 Q. If you know.

18 A. I think, well, I don't know.

19 Q. Do you know if there was an internal
20 commission at Petrobras to investigate any
21 wrongdoing with respect to Pasadena?

22 A. I don't know, because they are not open
23 about their investigations.

24 Q. What do you mean by that?

25 A. They might be forming committees right

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2 now and the employees are not aware of them.

3 Q. Who else was harassed at Petrobras?

4 MR. COOPER: Objection.

5 MR. BERMAN: Objection.

6 A. I had mentioned Fernando Sa. Now Tales,
7 and I have e-mails from different individuals with
8 whom I didn't have a relationship, but saying that
9 they were harassed because they did not agree with
10 those practices.

11 Q. Can you describe those e-mails for me?

12 A. e-mails from people who did not agree.
13 One I remember was an operator from Bahia and they
14 mention a lot of issues related to safety in the
15 workplace. The e-mails that got the to me were the
16 ones of individuals who did not agree and when they
17 reported, they were harassed.

18 Q. Do you recall the specific
19 irregularities that different employees were
20 conveying?

21 A. No.

22 Q. Do you have copies of the e-mails you
23 received from them?

24 A. Yes, I do.

25 MS. GILMORE: We request production of

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2 those e-mails as well. Let's take a break.

3 THE VIDEOGRAPHER: The time is 6:47 p.m.

4 We are going off the record.

5 (Recess taken)

6 THE VIDEOGRAPHER: This marks the
7 beginning of videotape number 6. The time
8 is 7:03 p.m. We are back on the record.

9 MS. GILMORE: I just wanted to make
10 clear on the record that Ms. da Fonseca's
11 deposition has been going on for many hours
12 now, and for the first time at 6:47 p.m.
13 defense counsel has informed us that they
14 would like to cross the witness. At this
15 point, I am done with examining Ms.
16 da Fonseca.

17 MR. COOPER: That is not true. We spoke
18 with Mr. Kehoe from the beginning. In fact,
19 there was a comment to the witness when Mr.
20 Kehoe said it would be nice if we are going
21 to be out of here by 5 o'clock, but it
22 depends on how many questions Mr. Cooper has
23 for the witness.

24 There has been an understanding
25 throughout this deposition that defendants

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2 would have questions for this witness, and
3 we do have questions, and we are going to
4 ask those questions of the witness.

5 MR. KEHOE: Mr. Cooper, for the record,
6 you never indicated to me that you had an
7 intention to depose the witness at all. You
8 never indicated that. So if you can point
9 me to any point where you did, by letter, by
10 e-mail or any other form, but you didn't,
11 and at no point today did you indicate that
12 you wanted time to depose the witness. I
13 just want to make that clear.

14 MR. COOPER: That's fine, but this is a
15 witness who is a company employee. The
16 company has brought this witness here, paid
17 for this witness to come and sit for the
18 deposition from a notice that you sent to
19 the company, and the company, like in any
20 other situation, defendants have some
21 questions they want to ask the witness.

22 MR. KEHOE: We have no objection.

23 MR. COOPER: Okay. No objection. Okay.
24 Then we have no dispute with you.

25 MR. MATTOS: My client is not going to

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2 stay. She is not going to be
3 cross-examined, and she is exhausted and --

4 MR. COOPER: The company's view, I just
5 want to convey to you that the company's
6 view is the company wants you to stay to
7 answer some additional questions from
8 defendants, from defense counsel, as part of
9 this deposition.

10 THE WITNESS: Can you find another time
11 to do it because now I am very tired?

12 MR. MATTOS: She is not going to stay.

13 THE WITNESS: I have been here for ten
14 hours.

15 MR. COOPER: Off the record.

16 THE VIDEOGRAPHER: The time is 7:05 p.m.
17 We are going off the record.

18 (Recess taken)

19 THE VIDEOGRAPHER: The time is 7:09 p.m.
20 Back on the record.

21 MR. COOPER: So defense counsel we have
22 consulted, and we are fine to continue the
23 deposition tomorrow morning, understanding
24 that you are tired and probably hungry, and
25 you have been going for a long time, but we

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2 need an understanding that you are going to
3 come back tomorrow, and if you don't
4 reappear --

5 MR. MATTOS: She is not coming back
6 tomorrow morning because I am leaving
7 tomorrow at 6.

8 MR. COOPER: The proposal was from your
9 client.

10 MR. MATTOS: I have other business. I
11 was not aware she would be cross-examined,
12 and I have a flight tomorrow morning by 6:30
13 in the morning, and I have to be in Brazil
14 the day after tomorrow, so I cannot stay,
15 and without me, she will not stay.

16 MR. COOPER: Then we are going to have
17 to do it tonight.

18 MR. MATTOS: No. You should have told
19 us that you would continue with
20 cross-examination.

21 MR. COOPER: We have no obligation to
22 reveal to you what we intend to do. A lot
23 of what we decided to do is based upon the
24 testimony given here, and I'm not going to
25 argue any further about it.

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2 If we can't reach an agreement when we
3 are going to ask our questions of Ms.
4 da Fonseca, we will have no choice but to go
5 to the judge and raise this issue and have
6 the judge decide on a solution, because we
7 are entitled to this.

8 MR. MATTOS: That is fair. I think that
9 is the right way to proceed. What I am
10 telling you is that she is not going to
11 stay. She is leaving now. She will rest,
12 she will have dinner, and I am leaving
13 tomorrow morning, so there is no possibility
14 for her to be deposed tomorrow. She is not
15 refusing to be deposed but not tomorrow.

16 MR. COOPER: If we can't resolve this, I
17 think we can get on the phone right now and
18 explain the situation that we are facing and
19 see what the judge says.

20 MR. MATTOS: No.

21 MR. COOPER: We can.

22 MR. MATTOS: No.

23 MR. COOPER: Can we come up with a
24 solution to this problem, or otherwise we
25 will have no choice but to call him and see

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2 if he has a solution for us.

3 MR. MATTOS: She is not going to stay.

4 MR. COOPER: What is your solution of
5 when she is going to give testimony?

6 MR. MATTOS: Next week, the following
7 week, some other date.

8 MR. KEHOE: Plaintiffs would be
9 available on some other date.

10 MR. BERMAN: Unless we have an agreement
11 from the witness and witness's counsel, then
12 there is no point in your agreement. It is
13 a question of whether the witness and
14 witness's counsel are going to agree.

15 MR. MATTOS: The question is she will
16 not let's say give deposition without her
17 counsel, and I cannot stay here tomorrow.

18 MR. COOPER: Okay. When is the first
19 time that you can come back to complete this
20 deposition?

21 THE WITNESS: I need to go back and see
22 because I have to see my house. I have two
23 kids.

24 MR. COOPER: I understand. I think we
25 need to have a commitment now as to when

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2 this deposition is going to be continued and
3 completed.

4 THE WITNESS: You have my commitment I
5 will do it some other time. Need to
6 arrange.

7 MR. BERMAN: No. We need a date.

8 THE WITNESS: I don't have a date now.
9 I have to arrange a lot of things to be
10 here. I have two kids.

11 MR. COOPER: I understand. Everyone is
12 here.

13 THE WITNESS: Now we have a lot of
14 people to take care of them. I have my
15 private life, no? And I think you need to
16 be more flexible. I am committed to do it
17 again another day, but I need to go back and
18 arrange things in my house.

19 MR. BERMAN: Can we get a range?

20 MR. KEHOE: Would you be able to do it
21 before April 29, which is discovery cutoff?

22 THE WITNESS: Of course.

23 MR. COOPER: We are not going away with
24 something that open-ended.

25 MR. KEHOE: That is the discovery cutoff

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2 date in this case. I'm just letting you
3 know that.

4 MR. BERMAN: I have to have a commitment
5 from her counsel.

6 MR. MATTOS: Any date before April 29 is
7 fine with us.

8 MR. COOPER: But that is too open-ended
9 for us. We need a commitment from you and
10 Ms. da Fonseca that we are going to get this
11 done in the next few weeks, and we are going
12 to look for a date on your schedules when
13 that works so this doesn't drag on, and that
14 is what we need now.

15 I understand that you need to go back
16 home and figure out the situation with your
17 kids. I'm not trying to make that overly
18 difficult.

19 MR. MATTOS: We said we will come back.

20 MR. COOPER: But I want to make sure we
21 can do this in the next few weeks.

22 MR. MATTOS: Before April 29.

23 MR. COOPER: No, in the next few weeks.

24 MR. MATTOS: Before April 29th.

25 MR. COOPER: April 29th is two months

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2 from now.

3 MR. MATTOS: Not next week. Maybe the
4 following week.

5 THE WITNESS: We can arrange a time, but
6 maybe end of March the deadline, but I
7 think --

8 MR. MATTOS: I will be in London from
9 the 12th to the 19th of March, so I will not
10 be available this week and another week I
11 will be unavailable.

12 MR. COOPER: Can we look to aim to do
13 the deposition not next week but the week
14 after that and see if that will be possible
15 in your schedules?

16 MR. MATTOS: Upon --

17 THE WITNESS: The last week of March is
18 our deadline, and I am going back and
19 arrange things and will let him know.

20 MR. COOPER: Right, but before Mr.
21 Mattos goes to London.

22 You are going to London from the 12th to
23 the 19th?

24 MR. MATTOS: Before.

25 MR. COOPER: Before. Okay? Between now

1 da Fonseca - Confidential

2 and the 12th of March?

3 MR. MATTOS: What I can do is fly from
4 New York. I can rearrange my schedule and
5 have the deposition let's say by the 10th of
6 March. Okay?

7 MR. COOPER: All right. Can we go off
8 the record for a moment before we reach
9 agreement on that?

10 THE VIDEOGRAPHER: The time is 7:15 p.m.
11 (Recess taken)

12 THE VIDEOGRAPHER: The time is 7:20 p.m.
13 Back on the record.

14 MR. COOPER: Let me just state then that
15 we agree, so the parties have an agreement
16 including the witness, Ms. da Fonseca and
17 her counsel, Mr. Mattos, we have an
18 agreement that we will continue this
19 deposition, and we need to agree on a date,
20 but it will be sometime before the 12th of
21 March, and we will figure out that date as
22 soon as we can after you return to Brazil,
23 Ms. da Fonseca.

24 Just so everybody understands that means
25 this deposition is still open, and we think

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2 it is inappropriate for you to discuss your
3 testimony between now and when you return
4 with counsel for the plaintiffs.

5 The other thing just to remind you so we
6 have designated this transcript confidential
7 under the protective order. That order
8 applies to you. Discussing the testimony
9 that you have given here today with anyone,
10 it is confidential subject to an order by
11 the court, and you would be in violation of
12 that order if you discuss that testimony
13 with anyone.

14 THE WITNESS: Including you?

15 MR. COOPER: Including me, right.
16 Actually not true. Anyone, people who heard
17 your testimony that doesn't apply to.

18 MR. KEHOE: It applies to not discussing
19 this deposition with defense counsel.

20 MR. COOPER: That is probably right, but
21 she is an employee of the company.

22 MR. KEHOE: I understand she is an
23 employee of the company, but I would expect
24 you would not seek to examine her before her
25 return to New York on issues that were

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2 discussed at this deposition, examine her
3 outside of this deposition.

4 MR. COOPER: I'm not going to make any
5 representations about that on this record.
6 I am going to stand by what I said.

7 MR. KEHOE: We will find out during the
8 day of her deposition.

9 THE WITNESS: Yes, I understand.

10 THE VIDEOGRAPHER: This marks the end of
11 today's deposition. The time is 7:22 p.m.
12 We are going off the record.

13 (Time noted: 7:22 p.m.)

14 _____

15

16 Subscribed and sworn to
17 before me this ____ day of _____, 2016.

18 _____

19

20

21

22

23

24

25

1
2 C E R T I F I C A T I O N
3

4 I, Joseph R. Danyo, a Shorthand
5 Reporter and Notary Public, within and for the
6 State of New York, do hereby certify:

7 That I reported the proceedings in the
8 within entitled matter, and that the within
9 transcript is a true record of such proceedings.

10 I further certify that I am not related,
11 by blood or marriage, to any of the parties in this
12 matter and that I am in no way interested in the
13 outcome of this matter.

14 IN WITNESS WHEREOF, I have hereunto
15 set my hand this day of ,
16 2016.

17
18
19 JOSEPH R. DANYO
20
21
22
23
24
25

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